AUTHORITY AND DOMINION

Volume 4

AUTHORITY AND DOMINION

AN ECONOMIC COMMENTARY ON EXODUS

Volume 4
Part 3: Tools of Dominion (Ex. 21–22)

GARY NORTH

POINT FIVE PRESS
Dallas, Georgia

Authority and Dominion: An Economic Commentary on Exodus, Volume 4
Part 3: Tools of Dominion
Previously titled: *Tools of Dominion: The Case Laws of Exodus*

Copyright © 1982, 1987, 2012, 2020 by Gary North

This work is licensed under the Creative Commons Attribution 4.0 International License. To view a copy of this license, visit creativecommons.org/licenses/by/4.0/.

Published by
Point Five Press
P.O. Box 2778
Dallas, Georgia 30132

Typesetting by Kyle Shepherd

TABLE OF CONTENTS

Volume 1

Part 1: Representation and Dominion (Ex. 1–19)

Preface xiii

Introduction 1
1 Population Growth: Tool of Dominion (Ex. 1:5–7) 13
2 Imperial Bureaucracy (Ex. 1:8–12) 31
3 Rigorous Waste and Rigorous Socialism (Ex.1:13–14) 53
4 Illegitimate State Power (Ex. 1:15–16) 66
5 Envy, Rumor, and Bondage (Ex. 2:11–14) 72
6 Cumulative Transgression and Restitution (Ex. 3:21–22). . . 82
7 The Optimum Production Mix (Ex. 5:5–7) 91
8 Covenantal Judgment (Ex. 8:19). 107
9 Original Ownership (Ex. 9:29–30) 119
10 Total Sacrifice, Total Sovereignty (Ex. 10:24) 127
11 Separation and Dominion (Ex. 11:7). 135
12 Discontinuity and Continuity in Social Change (Ex. 12:10–11) 145
13 Unconditional Surrender (Ex. 12:30–32) 181
14 The Rule of Law (Ex. 12:48–49) 192
15 The Firstborn Offering (Ex. 13:1–2). 226
16 The Psychology of Slavery (Ex. 14:12). 233
17 The Metaphor of Growth: Ethics (Ex. 15:17) 242
18 Manna, Predictability, and Dominion (Ex. 16:4–5) 254
19 Imperfect Justice (Ex. 18:21–22). 262
20 The Oath-Bound Kingdom of Priests (Ex. 19:3–6) 275

Conclusion. 279

Volume 2

Part 2: Decalogue and Dominion (Ex. 20)

Preface xi

Introduction 283
21 The God of Liberation (Ex. 20:1–3) 299
22 Graven Images and Rival Civilizations (Ex. 20:4–6) 309
23 Lawful Title (Ex. 20:7) 336
24 Rest and Dominion (Ex. 20:8–11) 352
25 Family Capital (Ex. 20:12) 364
26 God's Monopoly of Execution (Ex. 20:13) 379
27 The Yoke of Co-operative Service (Ex. 20:14) 391
28 The Rights of Private Property (Ex. 20:15) 404
29 The Value of a Name (Ex. 20:16) 442
30 Covetousness and Conflict (Ex. 20:17) 468

Conclusion 485

Volume 3

Part 3: Tools of Dominion (Ex. 21–22)

Preface xi

Introduction 503
31 Servitude, Protection, and Marriage (Ex. 21:2–4) 523
32 Wives and Concubines (Ex. 21:7–11) 549
33 Executing a Rebellious Son (Ex. 21:15, 17) 578
34 Kidnapping (Ex. 21:16) 582
35 The Costs of Private Conflict (Ex. 21:18–19) 600
36 The Human Commodity (Ex. 21:20–21) 613
37 Criminal Law and Restoration (Ex. 21:22–25) 628
38 The Auction for Substitute Sanctions (Ex. 21:22–25) 659
39 Freedom for an Eye (Ex. 21:26–27) 680
40 The Ransom for a Life (Ex. 21:28–31) 693
41 The Uncovered Pit (Ex. 21:33–34) 721
42 Knowledge and Responsibility (Ex. 21:35–36) 731
43 Proportional Restitution (Ex. 22:1, 4) 741
44 Pollution, Ownership, and Responsibility (Ex. 22:5–6) . . 776
45 Safekeeping, Liability, and Crime Prevention (Ex. 22:7–9) . . 844

Volume 4

46 Caretaking and Negligence (Ex. 22:10–13) 869
47 Seduction and Servitude (Ex. 22:16–17) 879
48 Oppression, Omniscience, and Judgment (Ex. 22:24–24) . 905
49 The Prohibition Against Usury (Ex. 22:25–27) 942
50 Impartial Justice and
Legal Predictability (Ex. 23:1–3, 6–7) 993
51 Finders Should Not be Keepers (Ex. 23:4–5) 1009
52 Bribery and Oppression (Ex. 23:8) 1020
53 Sabbatical Liberty (Ex. 23:9–12) 1046
54 Feasts and Citizenship (Ex. 23:14–19) 1060
55 The Curse of Zero Growth (Ex. 23:25–26) 1083
56 God's Limits on Sacrifice (Ex. 25:3–8, 36:5–7) 1107
57 The Economics of the Tabernacle (Ex. 25:8–9) 1125
58 Blood Money, not Head Tax (Ex. 30:11–16) 1136
59 Sabbath Rest vs. Autonomy (Ex. 35:2) 1146
60 The Ability to Teach (Ex. 35:31, 34a) 1152

Conclusion to Tools of Dominion 1161
Conclusion to Authority and Dominion 1197

Volume 5

APPENDIX A—The Reconstruction of Egypt's Chronology . . .1219
APPENDIX B—The Demographics of Decline 1247
APPENDIX C—The Labyrinth and the Garden 1283
APPENDIX D—The Rule of Law and the Free Market. 1303
APPENDIX E—The Economic Implications of the Sabbath . . .1327
APPENDIX F—Timing the Lord's Day 1405
APPENDIX G—Macaulay on Democracy 1411
APPENDIX H—The Epistemological Problem of Social Cost. . .1417

Volume 6

APPENDIX I—Pollution in the Soviet Union 1493
APPENDIX J—Lots of Free Time:
The Existentialist Utopia of S. C. Mooney 1501
APPENDIX K—Slavery in the American South 1515
APPENDIX L—Maimonides' Code: Is It Biblical? 1531
APPENDIX M—Victim's Rights vs. the Messianic State 1595
APPENDIX N—Covenantal Law and Covenantal Love 1635

APPENDIX O—Social Antinomianism 1651
APPENDIX P—The Hoax of Higher Criticism 1669
APPENDIX Q—The Restoration of Biblical Casuistry 1691
APPENDIX R—What is Covenant Law? 1725
APPENDIX S—What are the Case Laws? 1751
APPENDIX T—Fugate on the Supposed "Head Tax" 1773

46

CARETAKING AND NEGLIGENCE

> *If a man deliver unto his neighbour an ass, or an ox, or a sheep, or any beast, to keep; and it die, or be hurt, or driven away, no man seeing it: Then shall an oath of the* LORD *be between them both, that he hath not put his hand unto his neighbor's goods; and the owner of it shall accept thereof, and he shall not make it good. And if it be stolen from him, he shall make restitution unto the owner thereof. If it be torn in pieces, then let him bring it for witness, and he shall not make good that which was torn.*
>
> EXODUS 22:10–13

The theocentric issue here is stewardship to God, point two of the biblical covenant.[1] God entrusts property to men, who serve as His agents. This law is an extension of the issue raised in the previous case law, Exodus 22:7–9, which dealt with property that has been put in safekeeping with a neighbor. The property is then stolen from the neighbor, or is said by the neighbor to have been stolen.

The present passage begins with the same phrase as verse 8 does: "If a man deliver unto his neighbour. . . ." If verse 8 refers to a non-commercial transaction, as it seems to,[2] then so does this passage.[3] There is no indication that the neighbor is a professional who is hired for a fee. The relationship is neighborly, not commercial. If

1. Ray R. Sutton, *That You May Prosper: Dominion By Covenant*, 2nd ed. (Tyler, Texas: Institute for Christian Economics, [1987] 1992), ch. 2.Gary North, *Unconditional Surrender: God's Program for Victory*, 5th ed. (Powder Springs, Georgia: American Vision, [1980] 2010), ch. 2.

2. Rabbi Moses ben Nachman [Ramban], *Commentary on the Torah: Exodus* (New York: Shilo, [1250s?] 1973), pp. 378–79; Samson Raphael Hirsch, *The Pentateuch Translated and Explained*, translated by Isaac Levy, 5 vols., *Exodus*, 3rd ed. (London: Honig & Sons, [1860s?] 1967), p. 348.

3. Hirsch said that this section does involve a commercial transaction, but he offered no evidence from the biblical text: *Exodus*, p. 348.

this were a commercial transaction, it would necessarily involve the transfer of much greater responsibility for taking care of the animals. The owner is paying the professional to become his *delegated surrogate*, someone who is therefore to protect the animals from danger.[4] The person renting the skills of a shepherd or a cattle drover expects this hired professional to do his job responsibly.

If the thief cannot be located, the neighbor immediately may fall under suspicion and can be brought before the judges (Ex. 22:9). The Hebrew word here translated as "judges" is transliterated as *elohim*, one of the names of God (Gen. 1:1). Some commentators translate the word in Exodus 22:9 as "God," arguing that suspects were actually brought before God in expectation of a divine judgment. But the verb used here with *elohim* is plural, indicating men who serve as God's authorized judicial representatives rather than God Himself as the immediate Judge. The meaning is comparable to the meaning of *elohim* in Psalm 82:6: "I have said, Ye are gods. . . ."[5] The judges must determine which of the contending parties is lying and therefore who owes restitution to whom. The principle of "eye for eye" also applies to cases of false witness (Deut. 19:17–21).[6]

A. Animals

This case law focuses exclusively on animals. An inanimate object remains where it was placed until someone or something moves it. An animal is mobile. The problems of taking care of an animal are greater, generally, than the problems of guarding inanimate objects. The animal has to be cared for as well as protected from thieves and wild animals. There is greater expense involved in taking care of an animal, and greater risk of its getting in trouble.

The punishments vary for the deliberate theft of an animal. Two-

4. The Hammurabi Code specified that if a hired shepherd lost a sheep or ox, he had to restore the equivalent animal to the owner: CH, paragraphs 263–64. If he sold an animal or switched its brand, and the owner proved it, he had to restore ten-fold: 265. *Ancient Near Eastern Texts Relating to the Old Testament*, ed. James B. Pritchard, 3rd ed. (Princeton, New Jersey: Princeton University Press, 1969), p. 177.

5. DeMar and Leithart pointed out that virtually all Protestant commentators interpret "gods" of Psalm 82:6 as "judges." They cited Charles H. Spurgeon, H. C. Leupold, Thomas Scott, F. S. Delitzsch, J. J. Stewart Perone, David Dickson, Joseph Addison Alexander, William S. Plummer, John Calvin, Matthew Henry, Matthew Poole, and Woodrow Michael Kroll. Gary DeMar and Peter J. Leithart, *The Reduction of Christianity: A Biblical Response to Dave Hunt* (Ft. Worth, Texas: Dominion Press, 1988), pp. 78–81.

6. Gary North, *Inheritance and Dominion: An Economic Commentary on Deuteronomy*, 2nd ed. (Dallas, Georgia: Point Five Press, [1999] 2012) ch. 45.

fold restitution is required in the case of most stolen animals and all stolen inanimate property. Five-fold restitution is required for a stolen ox, while four-fold restitution is sufficient in the case of a stolen sheep. These high penalties were imposed only when the animal had already been killed or sold by the time of the thief's capture (Ex. 22:1). Double payment was required from the man who still had the living animal in his possession when caught by the authorities (Ex. 22:4). Contrary to commentators who argue that the differences in the size of the fines were based on the difference in cost of training certain animals, the differing penalties were probably imposed because of the *special symbolism of sheep and oxen*—symbols that represent mankind—and also because of differing levels of difficulty in apprehending and convicting the thief.[7]

Cases of known theft (Ex. 22:1–4), as well as cases of carelessness concerning fire or pollution (Ex. 22:5–6)—the coercive transfer of operating costs to one's neighbor—are easier for the authorities to adjudicate than those cases in which the responsibility for someone's loss is hidden. Verses 7–15 deal with several of these more difficult cases involving loss: (1) the safekeeping or storage of inanimate objects; (2) caretaking of animals; (3) borrowing goods; and (4) renting goods.

These passages indicate that it was a common practice among the Hebrews to ask their neighbors to act as temporary guardians for their property, thereby transferring to their neighbors the risks of supervision. This was one of the costs of "neighborliness," and the law established legal limits of responsibility, risk, and restitution. One of the advantages of this safekeeping system was the *greater physical mobility* it permitted to Hebrew families.

B. Passover

When would such mobility have been most important? At Passover and at the other celebrations in Jerusalem. There is no way that families could have left their flocks and herds at home without supervision. At the same time, it is inconceivable that they could have brought the animals with them to Jerusalem. Thus, neighbors would have taken turns in caring for the animals of their neighbors.

Wasn't Passover absolutely required for all Hebrews every year? Not necessarily. It was required for all adult males who were num-

7. Chapter 47.

bered (Num. 1:1–4). It was not required of all women. For instance, Jesus and His disciples met together for Passover; there is no indication that women or children were present (John 13–17). Furthermore, men on very distant journeys probably were not required to attend. A second Passover celebration was established a month after the first one for those who legitimately missed the first one, either for having been in contact with a dead body or for having been on a journey (Num. 9:10–11). While caretaking for a neighbor's animals was not listed as one of the reasons for missing the Passover legitimately, it must have been one of them.

If we argue that Passover was required for every Hebrew at one time, then the only explanation of who kept the animals would seem to be permanent foreign slaves, meaning that Passover was a major economic incentive for every Hebrew family to become owners of permanent foreign slaves, and to place all the mobile property of the land into their hands at least once a year. This seems to be an unlikely ritual incentive in biblical law.

C. Restitution, Risk, and Knowledge

The case of a dead or lost animal is different from the case of a stolen animal. The caretaker has to swear before God that he did not steal it, destroy it for his own use, or sell it. If he is willing to swear this, he is not required to restore the missing animal. The owner has to accept this oath as binding (Ex. 22:10–11). The sacred nature of the oath has to be recognized; the original owner thereby acknowledges his faith in God's final judgment and His perfect restitution. Vengeance belongs to God, and He will impose judgment (Rom. 12:19). Social peace is therefore far easier (cheaper) to attain in a community of men who believe in a living God who serves as perfect Judge. The judges will have fewer cases to adjudicate, for self-discipline increases in such a society. The likelihood of blood vengeance and clan feuds is also reduced. Socially disrupting suspicions and accusations can be put to rest.

The caretaker cannot escape his responsibility for the stolen animal. He only escapes the additional penalty for criminal activity (Ex. 22:11b). If the animal has been stolen from him, he has to make a restitution payment to the original owner (Ex. 22:12). This payment is equal to the value of the goods stolen or lost.[8] Exodus 22:12 indicates that if the thief is found, he must make proportional restitution to the

8. Chapter 49.

caretaker, who is now the economic victim, because the caretaker had made the restitution payment to the owner.

1. The Wild Beast

One kind of negligence is not penalized: a loss imposed by a wild beast. Verse 13 provides the details: "If it be torn to pieces, then let him bring it for witness, and he shall not make good that which was torn." If a bear, wolf, lion, or a pack of dangerous animals rips apart a beast that has been entrusted to a neighbor, he is not liable. He is not required to risk his life trying to save the animal from wild beasts.

Why should he escape his obligation in the case of an animal carried away by a beast? Why should he be less liable? After all, the animal is gone. The loss to the owner is just as great as it would be if the animal had been stolen. If the loss is as great, why shouldn't the restitution be equal? One answer relates to comparative risks to the life of the caretaker. He is under no pressure judicially to challenge a bear or other dangerous beast in order to protect his neighbor's property, any more than he has a legal obligation to challenge a dangerous beast in order to defend his own property.[9] There are limits on his responsibilities as a neighbor. Second, men in general cannot be expected to know the habits of another man's animal. Perhaps it can lift a latch with its nose, or maybe it runs away as soon as it gets outside its pen. If it exposes itself to danger in this way, it has to bear responsibility for its actions. If it removes itself from the protection of the caretaker, it is not the caretaker's fault.

An animal can kill itself or injure itself in many ways. A man cannot be expected to provide free caretaking services for every contingency. He is dealing with an unfamiliar animal, and the animal is in unfamiliar surroundings. The predictability of its behavior is reduced, compared to its predictability under the dominion of its owner. The owner may recognize certain patterns of behavior that point to injury or sickness that a neighbor would probably ignore. The neighbor does not have equally accurate background information on the animal.

2. The Witness

Why is the safekeeper responsible when something inanimate is stolen, but not in the case of animals that are torn apart? Verses 10

9. Challenging a criminal, or at least doing what is necessary to bring him to justice, is a different situation. The law-abiding citizen is to take risks to restrict evil people. They are a greater threat to social order than wild beasts are.

and 11 provide the solution: "If a man deliver unto his neighbor an ass, or an ox, or a sheep, or any beast, to keep; and it die, or be hurt, or driven away, *no man seeing it*, then shall an oath of the LORD be between them both, that he hath not put his hand unto his neighbour's goods; and the owner of it shall accept thereof, and he shall not make it good."[10] Verse 10 deals with the death, injury, or driving away of an animal. If no one has seen what happened to the missing animal, then there is no way to prove that some wild animal did not do it, or that the protected beast did not hurt itself. Wild animals might drive away or carry away a sheep; they might drive away an ox or donkey. The presumption is that a wild animal dragged away the animal that was being guarded.

The dead carcass of the animal serves as a witness to the honesty of the safekeeper, so in this case there is no need to go before the judges and swear an oath. There is a *witness* in this case: the carcass itself. The carcass is evidence that a wild beast destroyed it. The safekeeper did not profit from its death, nor did any thief. There is no human being to be held accountable for the loss. This allows the safekeeper to escape legal liability for the return of the animal or its equivalent value.

When it comes to defending against thieves, however, men are expected to possess approximately the same information. Men understand the ways of other men. Locking or blocking a door at night to restrict access to the home is a universal practice. So is listening to animals, because they tend to cry out, bark, or stamp around when strangers approach. The absent neighbor wants to reduce the likelihood of theft by placing his animal under someone else's protection, so as to avoid the "empty house" problem. The neighbor's house is a safer place for his animals. He expects his neighbor to provide him with safety from thieves.

How could the complaining neighbor prove that the other man should be held economically responsible? He would have to prove that the safekeeper sought to profit from the loss of the animal, or failed to do his duty in stopping a thief. To prove the latter case, he would have to have a witness. The key phrase is, "no man seeing it" (v. 10). Some witness would have to come forward and testify that he

10. Maimonides argued that in cases where there are witnesses, the oath is not to be imposed. Moses Maimonides, *The Book of Civil Laws*, vol. 13 of *The Code of Maimonides*, 14 vols. (New Haven, Connecticut: Yale University Press, [1180] 1949), "Hiring," I:III:1, p. 12. This would seem to eliminate the use of the oath between the disputing parties in any courtroom where there are witnesses available to testify. God is called upon through the oath only when there are no "normal" sources of resolving the dispute.

saw someone snooping around the home of the safekeeper during the night of the theft, and that he had warned the safekeeper (indicating that he, the witness, was not an accomplice or a guilty, silent onlooker), or that he saw the beast penned in the night before it disappeared (indicating that a thief had released it).

The safekeeping neighbor has to spend time and capital in making sure that his neighbor's property is protected. This is his voluntary contribution to his neighbor, the neighborhood, and God. He acts as a steward to keep the property protected from the criminal class.

3. Inanimate Goods

Inanimate goods are a less difficult case. They are not "driven off." They are stolen by a criminal or lost by the safekeeper. The man who accepts his neighbor's goods in trust must be willing to take precautions to protect these goods from theft. If he cannot honestly swear that the goods had been lost, or if a witness can point to signs that the man was negligent—negligent in failing to protect the property against criminal action—then he has to pay. This gives him added incentive to take some risks in stopping a thief who breaks into his home. He will bear the penalty if the thief gets away with the crime. Thus, in the case of a thief who breaks in, he has both the legal right and the economic incentive to stop the thief, even to the point (at night) of killing him (Ex. 22:2). Again, the focus of concern of these case laws is the *reduction of criminal activity in the local community*, namely, the prevention of theft. A thief must be specially guarded against.

D. Borrowed Property

In the case of borrowed property, any loss or damage is not the responsibility of the borrower if the owner accompanies his property when it is being used. "And if a man borrow ought of his neighbour, and it be hurt, or die, the owner thereof being not with it, he shall surely make it good. But if the owner thereof be with it, he shall not make it good: if it be an hired thing, it came for his hire" (Ex. 22:14–15).[11] The owner retains his oversight over it, and therefore bears the full responsibility for its proper use. He can see how the borrower is using the property when the accident occurred.[12]

11. Chapter 47.

12. Maimonides cited the Jewish oral tradition as saying that the lender needed to be present with the borrower only when the property was transferred, but not afterwards,

On the other hand, if he does not accompany his property, then the borrower has to pay "like for like" compensation, not double or quadruple restitution, for criminal activity is not involved in the loss, only carelessness. James Jordan wrote:

> Since this is the kind of thing that happens every day, a few comments are in order. Let us assume that you borrowed your neighbor's punchbowl and broke it. How should you make compensation? First, don't tell her in advance that you broke the punchbowl, unless you have to. That only gives her an opportunity to say she doesn't need a replacement. People say things like, "Oh, well, forget it. It's not important," but in fact they don't forget. Second, don't just give her the money. She is likely to refuse to take it. Also, why should she have to go to the trouble of purchasing a new bowl, when you are the one who broke it? Third, don't buy a more expensive punchbowl. It may not match her set. Let her use the receipt and exchange it if she wants to. Fourth, don't neglect the opportunity to witness for Christ. You are not doing this because it seems nice and neighborly. You are doing it because Christ your Lord tells you to. Let her know that.
>
> If someone wants to make compensation to you, don't despise him by refusing to accept it. Accept it graciously as from the Lord.[13]

Finally, in the case of rented property, the borrower is not legally responsible for loss, for the property "came for his hire." The risk premium or insurance premium is included in the rental fee.[14] *The owner-renter is self-insuring his own property*. (The translation of the Hebrew in the second half of Exodus 22:15 is disputed, however; it may refer to a hired servant who accompanies his master's property as the owner's representative, in which case, no restitution is owed.)

What is in focus in these laws is the particular "bundle of rights" that is transferred along with the physical property. With rights of ownership come certain responsibilities for preserving the quality of the goods loaned out. All property is God's; He delegates certain rights and responsibilities to specific people. The goal of this delegation of this stewardship system is to extend God's dominion on

---

in order for the lender to escape liability. Even more peculiar, "if the lender was not with him at the time of the borrowing, though he was present at the time of the death or capture, the borrower is liable." Maimonides, *Civil Laws*, "Treatise I, Laws Concerning Hiring," I:I:3, p. 5. This makes the law difficult to interpret from an economic standpoint. The focus of the passage is on the risk borne by the owner-lender because, being present with his property, he has the legal authority to call a halt to some high-risk use of it.

13. James B. Jordan, *The Law of the Covenant: An Exposition of Exodus 21–23* (Tyler, Texas: Institute for Christian Economics, 1984), p. 143.

14. Chapter 47.

earth. Thus, ownership has inescapable legal implications, that is, *covenantal* implications. There cannot be ownership without legal responsibility. These laws set forth the limits of the "bundle of rights" in three types of lending transactions: (1) when the owner or his agent accompanies his property, (2) when he does not accompany his property, and (3) when he rents his property for a fee. In the first case, the rights and therefore responsibilities of ownership remain with the owner. In the second, they shift to the borrower. In the third, they remain with the owner.

There is a system of *strict liability* operating here. The borrower assumes risks when he borrows a work animal. He is asking another person to give him something free of charge. He is asking for *grace*. The borrower becomes responsible for the proper administration of the other person's property. If the animal dies of natural causes, the borrower has to repay the owner. Who can be sure what killed it? Was it overworked or not? When the borrower asks for grace from his neighbor, he must not expect unlimited grace. Biblical law establishes the limits of his responsibility.[15]

Conclusion

This section of the case laws refers to the voluntary, charitable care of a neighbor's animals. Rules are established regarding the extent of personal responsibility for the caretaking of animals. There is no penalty imposed on the caretaker if an animal is carried off when no one sees it, if he swears before the judges that he has not stolen the animal. He is responsible for restoring, like for like, any animal that is stolen from him. If the beast's torn carcass is located, the caretaker is not held responsible.

Charity is basic to social order. Property needs protection when owners are away from their homes. Men's geographical mobility

15. Maimonides argued that if the animal died of natural causes during normal work activities, the borrower is exempt: *Civil Laws*, II:I:1, p. 52. Incredibly, he argued that if a man asks another man for a drink of water and also to borrow his work animal, no matter what happens to the animal, he owes the lender nothing. Why? Because this is a case of "the owner thereof be with it" (Ex. 22:13). "Whether the commodatary borrowed the services of the owner or hired them, whether he borrowed the services for the same work, or for other work, or for anything in the world . . . it is a case of borrowing with the owner and the commodatary is quit. If, however, he borrowed the animal first, and then the owner gave him water to drink, it is not a case of borrowing with the owner. And so it is in all similar cases." *Ibid.*, II:II:1, p. 55. This sort of reasoning places barriers of extreme legalism in between neighbors. Legal technicalities can overwhelm personal relationships.

would be heavily restricted if they could not occasionally trust their neighbors to look after their property. But there are legitimate limits to people's willingness to bear risks. By establishing rules in advance that govern the judges' assessment of responsibility in the case of theft or loss, the Bible allows neighbors to estimate more precisely the extent of the risk they are being asked to bear in these instances. This assists them in making an estimate concerning the amount of charity they are willing to extend, for that is what caretaking involves: extra work and extra responsibility.

The costs of litigation are lowered by the fear of God and the fear of the restitution payment owed to God because of false oaths. The fear of having to make equal restitution increases the costs of carelessness. As I pointed out in Chapter 47, the fear of double restitution increases the costs of theft when the animals are not immediately sold or killed, or when the stolen property is inanimate. *Restitution and the fear of God are basic to social order*.

47

SEDUCTION AND SERVITUDE

And if a man entice a maid that is not betrothed, and lie with her, he shall surely endow her to be his wife. If her father utterly refuse to give her unto him, he shall pay money according to the dowry of virgins.

EXODUS 22:16–17

The theocentric principle that governs this case law is the defense of God the Father's covenantal authority over the family of man. This case law governs a man's seduction of an unmarried and unbetrothed (unengaged) virgin. This is not a capital crime. Adultery, in contrast, is a capital crime (Deut. 22:22). Why is there a difference in the punishments? Because the seduction of a virgin does not break a covenant vow. In fact, it involves *taking* a covenant vow: the physical bonding associated with the consummation of a binding marriage vow. In biblical law, physical consummation is itself the mutual vow of betrothal.

Adultery was involved in the sins in the garden of Eden. Eve's spiritual seduction by Satan was an adulterous attack on her existing covenantal bond with her husband Adam. She had been given by God to Adam. It had been an arranged marriage, one to which both partners had freely consented. She was therefore "spoken for" covenantally at the time of her temptation, either as a betrothed woman or as a consummated bride. She was Adam's wife. Satan intervened and lured her into disobeying God, her husband's master. This was a capital crime, even though she, unlike Adam, was deceived into sinning (I Tim. 2:14). She could not claim ignorance of God's law as justification of her crime. Because Adam consented to this act of adultery, and participated in it, he also came under God's condemnation of death. He became, in effect, a covenantal pimp for his own wife.

A. The Age of Lawful Independence

Fornication by unmarried and unbetrothed partners was a crime in the Old Testament if the daughter was still living in the household of her father. The question arises: At what age did the father's authority legally cease or become drastically reduced? The Bible is silent on this point. Sons in the Old Testament became subject to a military draft at age 20 (Ex. 30:14). This "age of independence" may also have applied to a daughter who lived outside her father's home, although the Bible does not say so explicitly. The dividing line of authority seems to have been her presence in her father's house: "These are the statutes, which the LORD commanded Moses, between a man and his wife, between the father and his daughter, being yet in her youth in her father's house" (Num. 30:16). If she was outside his house, unmarried, yet economically self-sufficient—highly unlikely, given the ancient world's agricultural economy and Israel's jubilee land tenure system (Lev. 25)—she would have been beyond his legal responsibility over her. She would have been free to conduct her life as she saw fit, for good or evil, without calling his judgment into question, although he could have disinherited her by refusing to provide any dowry for her.[1]

In the New Covenant era, seduction remains an attack on the covenantal authority of the girl's family. There is no indication that the legal terms have changed. Fornication is behavior that covenantally faithful families should seek to impair, and the civil government is required to back up the family with the threat of sanctions against the seducer. The father becomes the lawful prosecutor of the seducer, and the state supports him in his decision. In this sense, the father becomes a lawful agent of the state, the state's representative. This is why the seduction is a crime.

The state enforces all sorts of contracts, but this case is different. The magnitude of the potential penalty is so great, as we shall see, that in order to impose it, the state must number the transgressor among felony criminals, such as major thieves. In the case of a seduction, biblical law transfers to the girl's father a monopoly position in setting the terms of the bride price.[2] The magnitude of the sanctions

1. I do not take seriously the comment by Nachmanides, who said that the father's authority over her decision to marry lasts only from age twelve and one day to twelve and a half, and that after this, she is lawfully able to decide for herself to accept a marriage proposal, with or without fornication's having preceded the marriage. Nachmanides, *Commentary on the Torah: Exodus* (New York: Shilo, [1267?] 1973), p. 388.

2. As we shall see, there is a judicial distinction between the bride price, which is paid by the bridegroom to the girl's family, and the dowry, which is paid to the girl by her family.

against seduction is such that only the state could enforce them without risking a clan war or other violence. The act of seduction therefore came under the jurisdiction of Israel's criminal statutes.

Consenting to a girl's marriage is normally a family responsibility, not primarily a civil government or church responsibility, except in those rare cases when the couple appeals the negative decision of the father to the church or churches to which they belong.[3] The father does not have a final say, for no single human agent ever possesses an absolutely final say in any legal decision, including the state,[4] but he has the primary responsibility to sanction the marriage of his daughter. His decision can lawfully be appealed to the church, but in general his decision stands. In the case of dealing with the seduction of a virgin, however, the father's authority is supplemented by civil authority, according to biblical law.

B. Consummating the Vow

A lawful marriage normally requires three things in the following order: a mutual vow of the proposed marriage partners, a public transfer of covenantal authority from the girl's father to the bridegroom, and sexual consummation. A verbal vow (betrothal) is to precede the formal ritual of public, covenantal marriage; physical consummation follows. But when private physical consummation itself becomes the form that the vow takes, then a public act must follow: either the seducer's payment to her father (or brother)[5] of an unspecified bride price plus a marriage ceremony, or his payment of "the dowry of virgins" without a marriage ceremony. *The physical consummation constitutes covenantal betrothal*. It is a binding oath. It is a *bond*. Her father then determines whether a marriage will consummate the vow,

3. The case of a pagan father who refuses to sanction the marriage of his Christian daughter to a Christian man would be a case that the couple could lawfully appeal to the church or churches that possess covenantal sovereignty over them. To deny this right of appeal would be to absolutize the father's word, and to designate him as the sole authorized agent under God over the daughter. This would elevate the father's word to a sovereign position comparable to the Roman Church's view of the Pope.

4. The father can appeal this decision to the civil magistrate. The decision of the civil magistrate would then confirm either the father's decision or the church's. The state serves only as a settler of disputes between lawful authorities, not as the initiator of laws regarding marriage, except when public health considerations are involved, e.g., compulsory testing of both parties for disease. The state's word is not autonomously final; it simply confirms the decision of one of the disputants in the case.

5. Abraham's servant dealt with Rebekah's brother Laban and her mother (Gen. 24:29, 53, 55) even though her father Bethuel was alive (v. 50). The sons of Jacob set the terms of Shechem's dowry, even though Jacob was present with them (Gen. 34:13).

or whether the payment of the formal bride price, the "dowry of virgins," will alone consummate it.[6] But payment of some sort is necessary to consummate the vow.

1. Seduction and Betrothal

The consent of the girl to her seduction is the equivalent of her private betrothal. She takes a binding covenant vow with the seducer by means of her body. The seducer does the same with his body. She implicitly agrees to marry the seducer, and he implicitly agrees to marry her. Neither of them has the option of breaking the vow. Only her father does. An unmarried girl has no independent authority to take a vow if her father refuses to accept it (Num. 30:3–5). Numbers 30:3 refers to a binding vow as "a vow unto the LORD." Thus, this passage in Exodus informs us that her father, as God's covenantal agent over her until her marriage, has the authority to deny the consummation of his daughter's vow through marriage.

The girl must immediately inform her father of the act-vow. If she refuses, she has identified herself before God as a promiscuous woman, a prostitute. She has accepted the legitimacy of sexual union outside of marriage, the essence of prostitution. She has thereby become an idolater. If she marries later on, and neither she nor her father formally informs her suitor prior to the betrothal, her discovered lack of virginity could lead to her public execution (Deut. 22:20–21). Also, should she become pregnant, she would soon be publicly identified as a prostitute. If she was the daughter of a priest in Israel, she would be stoned to death, with her body burned after (Lev. 21:9; see Josh. 7:25), but only after the birth of her child. This, of course, drastically increased the risks of fornicating with the promiscuous daughter of a priest. If she knew she was pregnant from an earlier act, she might immediately seduce some other young man—as Eve seduced Adam by means of the forbidden fruit—and then announce the act to her father, as if the night before had been her first time, in order to get herself a husband or a bride price, and thereby avoid the death penalty.

2. The Father's Status

Why does the seducer owe money to the father, rather than to the girl? Because the father is legally liable for the girl and for his

6. In the United States, it has long been a crime to seduce a woman by promising to marry her later, and then refusing to marry her. The crime is called "breach of promise." It clearly parallels this biblical case law. It is seldom enforced today.

family's reputation. But this liability is limited by the extent of his knowledge. He cannot know everything she does. He always needs better information. Biblical law creates incentives for the transfer of appropriate knowledge to those who are God's legally responsible representatives.

The daughter's original consent to the act of seduction does not itself constitute whoredom. Her failure to tell her father immediately of the seduction is what constitutes her whoredom, for whoredom (as distinguished from adultery) is defined biblically as sexual bonding apart from a marriage vow.[7] If she accepts the legitimacy of her sexual union apart from a marriage vow, then she has become a whore. She had taken the vow implicitly by her consent to the act, but her unwillingness to tell her father of the act that constituted her vow thereby establishes her covenantally as a whore.

She remains "in her father's house" (Num. 30:16), and under his covenantal jurisdiction, yet she is no longer a virgin. The presence of this unannounced non-virgin daughter brings disgrace on her house and on Israel when she is discovered. Because she has willfully broken her covenantal bond with her father, but has refused to acknowledge her implicit vow with her seducer, biblical law considers her a whore. The capital penalty can subsequently be imposed if she marries another man who has been asked to pay a bride price to her father, if the new husband immediately prosecutes her (Deut. 22:13–19).

If the father had known of her act, yet took no steps to receive payment from the seducer, he thereby consented to the theology of legitimate sexual bonding without covenantal bonding. He has also become an implicit idolater. He has no legal excuse. He has identified himself as a pimp for his own daughter. To avoid this humiliation, there must be a consummation of the marriage vow by the seducer, either through marriage plus payment of the bride price or payment without marriage. Thus, the father's insistence on receiving the bride price is a legal announcement of his rejection of whoredom in his household and in Israel. His daughter is declared not to be a whore,

7. This indicates that Jesus' announcement that divorce is legitimate only because of fornication (*porneia*) must have been based on a far broader definition of *porneia* than mere sexual bonding. The King James translators too narrowly defined the word as fornication. Under Old Testament law, once a marriage had taken place, fornication was always defined as adultery, a capital offense. Obviously, divorce through execution was possible, and Jesus would not have had to raise the issue. He would have used the term for adultery rather than fornication. R. J. Rushdoony, *Institutes of Biblical Law* (Nutley, New Jersey: Craig Press, 1973), pp. 406–14; Greg L. Bahnsen, *Theonomy in Christian Ethics*, 2nd ed. (Phillipsburg, New Jersey: Presbyterian & Reformed, 1984), pp. 105–9.

for he has received the bride price. *Without payment of the bride price by the seducer, the father's house and his family's name are polluted.*

Once the bride price has been paid, the father cannot legitimately collect it from another man. Thus, if someone else lies with the woman, he is protected from a forced marriage. He has identified himself as a whoremonger, but not as a compulsory bridegroom. She identifies herself as a prostitute as soon as she identifies the second seducer. She has no legal claim on any man who does not voluntarily agree to marry a non-virgin, nor does her father have any economic claim on him, even if the seducer decides to marry her. A daughter is entitled only to one dowry per marriage, and her father is entitled to one bride price per marriage. (Negotiations between a father and a prospective bridegroom are legitimate, though not mandatory, for a widow who wishes to remarry, for she is taking on another set of responsibilities, and is in need of economic protection from potentially bad decisions of the next husband. The reason why negotiations are not mandatory is that she no longer is required to have her vows authorized by her father [Num. 30:9].)

C. The Formal Bride Price

The payment of a bride price by the bridegroom is a sign of his subordination and obligation to the bride's family.[8] This text discusses "the dowry of virgins." The text does not specify how much this was. The reason for this omission is that *this payment was negotiable between families* within each economic class. The Bible could not specify a particular price without either placing it out of reach for most Israelites or else trivializing it for the rich. The price was not set so high that the poor would be forced to adopt concubinage—marriage without a dowry—or so low that the rich could dismiss it as nothing more than a mere ritual. Also, if a poor man wanted to marry a rich girl, her father could set a bride price lower than his intended dowry for her. Why? Iin order to test the willingness of the prospective bridegroom to work hard to earn what for him would be a large sum, but which would nevertheless be a pittance for the father. This was the problem David faced (I Sam. 18:23). The bride price was, first, a ritual sign of subordination; second, it was a screening device for the girl's parents; and third, it was a means of compensating the girl's family for the expense of the dowry. The first two aspects were more important than

8. Chapter 36.

the third. Thus, a fixed bride price was not set by biblical law. The existence of its requirement was far more important than the actual money involved, with only two judicial exceptions: the case of seduction (Ex. 22:16–17) and the case of accused harlotry (Deut. 22:13–19).

1. Seduction

Let us consider the case of seduction. There is no doubt that the father, under the jurisdiction of the judges, was allowed to establish a bride price requirement for the seducer, and even prohibit the marriage after having collected it. Obviously, only the state could have lawfully enforced such a penalty.

When the state enters the picture to enforce a private decision, there must be upper limits on the punishment if liberty under predictable law is to be preserved. At the same time, the penalty must be high enough to deter the immoral behavior. Thus, the maximum bride price that could be imposed by the father with the consent of the judges could and would be different from normally negotiated bride prices. We know what that upper limit was: 50 shekels of silver. I call this compulsory maximum the *formal* bride price, in contrast to the normal or negotiated bride price, in which the state was not involved. It is specified in Deuteronomy 22:28–29:

> If a man find a damsel that is a virgin, which is not betrothed, and lay hold on her, and lie with her, and they be found; then the man that lay with her shall give unto the damsel's father fifty shekels of silver, and she shall be his wife; because he hath humbled her, he may not put her away all his days.

The formal bride price of 50 shekels of silver specified here was far higher than the common dowry in Israel. This was a great deal of money. It was not required of every suitor. The Old Testament did not establish a fixed price so high that only a few women could have become wives, with most of them being forced by a government-imposed price floor to settle for status as concubines (wives without dowries) instead. What the Mosaic law did was to establish *a penalty price so high that it discouraged seduction*. It also discouraged false accusations of whoredom.

The threat of the imposition of the formal bride price was designed to restrain the present-orientation of the couple—in this case, the lure of instant sexual gratification. The bride price jumped automatically to 50 shekels of silver in such instances. This economic threat forced marriage arrangements into specific patterns as *family-authorized cov-*

enants, with the parents and older brothers of the girl as the agents with primary authority to inaugurate or veto her decision. This threat also forced irresponsible, short-sighted young men to save for the future, to develop good character traits. The normal bride price was a covenantal screening instrument; the formal bride price was a covenantal disciplining instrument.

The seducer placed himself outside the normal competitive position of a suitor. He was in no legal position to bargain effectively with the girl's father. Shechem pleaded: "Ask me never so much dowry and gift, and I will give according as ye shall say unto me: but give me the damsel to wife" (Gen 34:12). The father of a seduced girl was in a position to demand up to 50 shekels of silver from the young man, which probably would have involved many years of servitude on his part, unless his family was rich. The seducer could even be required to pay her father the 50 shekels of silver, and then not be allowed to marry the girl.

D. Establishing the Formal Bride Price

Rabbinical commentators agree that it was 50 shekels of silver, although they do not always precisely explain their line of reasoning. They connect this passage to Deuteronomy 22:19.[9] This passage provides rules for penalizing a bridegroom who falsely accuses his new bride of not being a virgin. A new husband in Mosaic Israel who falsely accused his new wife of not being a virgin at the time of marriage was obviously after two things: (1) permanent separation from the girl; and (2) the return of his bride price. He may also have been after an additional penalty payment of 50 shekels from her father. I am assuming here that a bride price had been paid before the marriage; if not, then by his accusation, he was trying to avoid paying it. I believe, however, the bride price was normally paid before the marriage, which is why Jacob worked seven years for Laban before Laban was required to give him Rachel (Gen. 29:18–20).

1. Why 100 Shekels?

The required penalty owed to the father of a falsely accused girl was 100 shekels of silver (Deut. 22:19). The question then is: Does this provide evidence that confirms my suggestion concerning the size of the original bride price? We know that the Old Testament's

9. Nachmanides, *Exodus*, p. 256; Haim H. Cohn, "Sexual Offenses," *The Principles of Jewish Law*, ed. Menachem Elon (Jerusalem: Keter, [1975?]), col. 485.

authorized penalty payments were double damages, quadruple damages (a slaughtered sheep),[10] and quintuple damages (a slaughtered ox). In this case, double damages were required. Half of a hundred is 50. Why 50 shekels? Because this was the maximum bride price that could be imposed by law. We must think through the issue with 50 shekels as the starting point.

Notice that the girl was executed if she was convicted, but her bridegroom was not executed if she was exonerated. This seems to be opposed to the principle of Deuteronomy 19:15–21, which states that the false witness must suffer the penalty that the falsely accused person would have suffered if convicted.[11] Instead, the seducer paid a heavy penalty to her father. All he owed his bride was a lifetime guarantee of no divorce. What he owed her father, however, was a lifetime of servitude, unless he was very rich. He became a slave to her father twice over, for the formal price of the lifetime slave for purposes of making a sanctuary vow was 50 shekels of silver (Lev. 27:3).

This is the only instance in the Bible of a false witness who is not subject to an equal penalty, as required by Deuteronomy 19:16. The falsely accused bride was to receive lifetime economic support from him rather than making her a divorcé by means of his execution. This exception to Deuteronomy 19:16 may be because of the difficulty in proving for certain either that she had or had not lost her physical evidence of virginity by some means other than copulation. The circumstantial nature of the required evidence—"tokens of virginity"—reduced the penalty for the false accuser, but it also made it possible for the wife to escape the death penalty if she had not broken her hymen during a previous sexual liaison. The threat of the death penalty was great; a bride who suspected that the "tokens" would not appear would have warned the bridegroom in advance, and this could have led to his offering her father a reduced bride price, because he could not be sure of her explanation affirming her virginity. This reduced bride price would then have served as a substitute for her lack of the "tokens."

But if he owed his father-in-law 100 shekels, then in some way the father-in-law would have owed him 50 shekels if the accusation had

10. David insisted on the four-fold restitution payment when he heard Nathan's story, but in this case, the "ewe" was another man's wife (II Sam. 12:6). His "slaughter" of Bathsheba was the result of their adultery, not his seduction of a virgin as an unmarried man.

11. Gary North, *Inheritance and Dominion: An Economic Commentary of Deuteronomy*, 2nd ed. (Dallas, Georgia: Point Five Press, [1999] 2012), ch. 45.

been confirmed by the court. The text does not say this, but it is implied by the double restitution provisions of the case laws. We need to search for an implied theft of 50 shekels from the bridegroom on the part of the father-in-law, had the girl been guilty as charged.

2. Defrauding the Bridegroom

Let us assume that the bridegroom's accusation was accurate: she had not been a virgin at the time of marriage. The father-in-law was entitled only to one bride price per vow and marriage; whether collected by him or voluntarily forfeited, it could not be collected a second time, unless the girl was a widow, and the bridegroom agreed to pay it. (Because a widow would bring her original dowry into the subsequent marriage, she was not legally a concubine.) This payment was the formal bride price. The second man had owed her father nothing. By collecting a normal bride price from him, her father had cheated him.

Her father could have collected up to 50 shekels from the original seducer, but he failed to do so, either through ignorance of her condition, or through misplaced pity for the seducer, or through fear of the seducer's family, or because he knew that his daughter was promiscuous and not truly entitled to the first *discovered* seducer's bride price. In the last case, he had willfully allowed whoredom in his house, or, if he really had not known about it, then the daughter had to pay the maximum penalty for her deliberate concealment: execution. In any case, the bridegroom would have been entitled to the return of his bride price. The text is silent about this, but it is implied; if this were not the case, then the father-in-law would have profited from his daughter's whoredom at the expense of the injured party, the bridegroom. Biblical law does not subsidize evil. It protects the innocent.

If the bridegroom had been informed of the girl's loss of virginity, then he would not have paid her father a bride price. The bride price would have already been paid by the seducer, even though her father had not consented to their marriage. I am arguing that *the bride price owed to the father by the seducer was 50 shekels, the settlement price of a lifetime male slave in formal judicial disputes* (Lev. 27:3).[12] This compulsory bride price should have been passed on to the daughter as her dowry, but passed on in a specific formal way, as I discuss below: first to the bridegroom, then back to her father, and then to the girl. If her fa-

12. An exception: the owner of a slave killed by a goring ox always was reimbursed by payment of 30 shekels of silver (Ex. 21:32).

ther had not collected the money from the seducer, assuming that he knew of the seduction, he nevertheless owed a dowry to the daughter; otherwise, she would become a concubine. Without a dowry from her father, she was a concubine, yet only her father could pay for it this time; no subsequent bridegroom could be asked to pay a second bride price for a non-virgin non-widow.

The bridegroom had been forced to pay a bride price to the girl's father. Her father had either kept the 50 shekels that had been paid to him by the seducer, thereby making his daughter a concubine, or, if he had not collected the 50 shekels, he then owed the 50-shekel dowry out of his own assets. Again, the bridegroom had believed he was marrying a free woman who was bringing a dowry to the marriage, not a concubine. He was not legally required to pay the bride price because of her status as a non-virgin, so the father must have been required to pay it. Her father had not paid it. The bridegroom paid a bride price. This constituted fraud. Although the actual fraud involved whatever his negotiated bride price payment had been, for judicial settlement purposes, the fraud was assumed to be the maximum required formal bride price, and therefore the required dowry, of 50 shekels.

3. How Much Had He Actually Paid?

I am assuming for the sake of argument that the bridegroom was in fact the victim of a conspiracy between the girl and her family, or else at least the victim of the girl, who had kept her status a secret from her father. After the marriage, the bridegroom then decided to get rid of the wife on the official grounds that she was not a virgin. He had not been informed of her status. How could he prove this? Because he had paid the bride price, which would not have been required of him in the case of a non-virgin; her seducer should have provided the bride price. Her father had not delivered the required 50 shekels to her as her dowry; he had delivered only the bride price unjustly collected from the bridegroom. If the bridegroom could prove that he had been defrauded by the girl, or by her and her father, he could get back his bride price that had been unjustly extracted from him.

He had paid something for the girl, but probably not 50 shekels of silver. Why would the court not have returned whatever bride price he had paid? What has precisely 50 shekels got to do with it? The bridegroom was saying in effect that 50 shekels should have been given to him by her father as a ritual sign of her family's dependence

on his merciful willingness to marry a non-virgin. There was *mutual subordination* involved, so her father should have provided this bride price to the bridegroom, and then the bridegroom would have ritually returned it to her father. Just as the bride price was a ritual sign of his subordination to the father-in-law, so was the father-in-law's provision of a bride price to the bridegroom a ritual sign of his dependence on the bridegroom. It was a sign that her father was in no position to bargain under such circumstances, because of his daughter's defiled status. But her father had been unwilling to pay him the 50 shekels that would have served as his bride price payment, so that the bridegroom could in turn pay the 50 to the father, who would then endow the daughter. *The symbolism of the bridegroom's dependence was basic to the bride price-dowry transaction*. Even without the formal double transaction, the father's payment of the daughter's dowry was implicitly a form of his dependence on the bridegroom. I believe that the double formal transaction would have been carried out, as a public manifestation of the daughter's lack of virginity. Such a formal public transaction would have secured her from future prosecution by her husband.

The bridegroom was saying that he had never been informed of the girl's covenantal status. Her father had treated him unjustly, defrauding him of whatever bride price he had been asked to pay. Thus, from a strictly economic standpoint, her father owed him at least the return of the original bride price that he had paid. Her father may also have owed the 50 shekels that should have been given to him by the seducer. The text does not say this, and I may be reading too much into it. It may be that the death of the daughter was regarded by the court as a sufficient penalty on her family. The death of the daughter may have replaced the implicit 50-shekel payment owed by the father. The father lost his daughter forever, and the bridegroom regained his original bride price payment.

What is clear is that in these formal judicial proceedings, the court was implicitly using 50 shekels as the formal penalty that would have been implicitly or actually owed to the bridegroom if the wife had been convicted. Why? Because the payment owed to the father by the original seducer was 50 shekels, the judicial price of an adult male slave.

4. Restitution: Double or Triple?

If the bridegroom lost the case, he was required to pay to the father-in-law the formal restitution penalty of the 50 shekels he had

sought to collect through divorce by execution, plus another 50 shekels as a penalty. The court recognized the bridegroom as someone involved in intent to defraud the girl's father, whose reputation (and possibly 50 shekels) was at stake.

Thus, I conclude that *the penalty payment from the false accuser was directly related to the compulsory formal bride price of the seducer*. The new husband had accused his father-in-law of having cheated him out of the bride price. He never legally owed it, he insisted, yet his father-in-law had taken it. The court denied his accusation, so he was then forced to pay 100 shekels to his father-in-law.

The bridegroom had paid a negotiated bride price to the girl's father. Her father had transferred all or a part of this to her as her dowry. She was now formally accused by her husband of being a whore. If she was convicted, her father would probably have been forced to pay the bridegroom the formal (50-shekel) bride price; the bridegroom would also have kept her dowry, as her lawful heir after her execution. If she was declared innocent, the bridegroom owed double restitution to the father-in-law: twice the amount of the formal bride price that the father-in-law would have owed to him upon her conviction. The wife of course kept her dowry.

To repeat: because the court's decision in this example went against the bridegroom, he had to pay the father 100 shekels of silver, meaning that he returned the maximum bride price of 50 shekels, plus an additional 50—double restitution. Furthermore, he could never divorce her in the future (Deut. 22:19), except by her public execution for a capital crime. This indicates that the maximum formal bride price was 50 shekels of silver. It also indicates that any husband bringing such an accusation against his bride believed that he had a good case. His wife and father-in-law did not possess the required tokens of virginity, and he imagined that the court would uphold him.[13]

This indicates that for purposes of establishing *public restitution payments*, a very high initial bride price would have been established by law. Once the dispute became a matter of public decision by the

13. If corrupt, the father-in-law might have faked the blood stains on the cloth. To prevent this, the bridegroom would normally have insisted on a formal presentation in the presence of some authority. In case of his suspicion regarding his new wife, the young man would have had to complain immediately to the authorities. He would have had to keep his wife under close surveillance, to keep her from faking the tokens and presenting them to the authorities. On the other hand, a corrupt husband might have tried to destroy the evidence that defended her. Thus, it would have become a formal public matter the day after the wedding, under public supervision.

court, the formal penalties became very high. In this case, a price of 50 shekels was assumed as binding.

5. A Very Costly Penalty

We know that the price for an adult woman to be brought into a priestly family through adoption was 30 shekels (Lev. 27:4). What does 50 shekels have to do with 30? Nothing. If, as I argue, the 100 shekels constituted double restitution, then restitution must have been 50 shekels: the judicial bride price. It was the adult male who paid the entry price of 50 shekels (Lev. 27:3). This was the entry price for a man's lifetime of service to God and tithe income from the Levites as a priest. It was set this high in order to serve as a major barrier to entry, thereby keeping men with a welfare mentality out of the priesthood.

We begin to understand the magnitude of the penalty for seduction. The seducer could be required to pay the girl's father 50 shekels of silver. This would have constituted a judicial sentence of potentially lifetime bondservice against him. It was the sort of sentence handed down to major thieves with a lifetime of restitution payments to make to victims.

It was very risky for a bridegroom to accuse his new bride of non-virginity. His false accusation was a crime. The magnitude of the penalty payment was enormous: double what it cost to be adopted into the priesthood.[14] He had to pay 100 shekels of silver as double restitution to his father-in-law, the equivalent of two lifetimes of priestly service. Few young men could have afforded this. To come up with that kind of money, he would have had to sell himself into servitude as a criminal—presumably lifetime servitude. Out of mercy, his father-in-law might have accepted a lifetime of service from him as payment of the 100 shekels. The young man would have lost his position as an independent head of household. His wife would have gone with him into servitude. She had subordinated herself covenantally to a man who had poor judgment, and she could not escape the consequences of her decision. It paid girls to judge accurately the character of prospective husbands before the marriage took place.

6. Purchasing Power

What was the value of 50 shekels of silver? We cannot know for sure, because at different times in the ancient world, silver's value

14. Gary North, *Boundaries and Dominion: An Economic Commentary on Leviticus*, 2nd ed. (Dallas, Georgia: Point Five Press, [1994] 2012), ch. 35:D.

would have fluctuated, just as it fluctuates today. We know that the atonement money paid by Israelite adult males when they were numbered for military service was half a shekel (Ex. 30:16).[15] If this was half a shekel of silver, then the judicial bride payment was a hundred times this large. An ox that killed another person's bondservant brought a payment of 30 shekels of silver to the owner of the servant (Ex. 21:32). As I have already mentioned, an adult male's entry price into the priesthood was 50 shekels (Lev. 27:3). This was the price of priestly servitude to God.[16] We know that the ownership of slaves was sufficiently expensive so that very few families could afford them in the ancient world.[17]

The price of 20 shekels of silver for a male adoptee under age 20 (Lev. 27:5) corresponds with the 20 shekels paid to Joseph's brothers by the caravan that bought Joseph (Gen. 37:28). This indicates a remarkably stable monetary system throughout the Middle East, from Joseph's day at least until the giving of the Mosaic law over two centuries later.[18] Mendelsohn provided slave prices in the surrounding cultures, and these are reasonably commensurate with the prices listed in Leviticus 27.[19] The purchase of a slave gained the buyer the net return from a lifetime of service from a slave. We are not talking about merely a Hebrew's seven-year term of service, for the caravan bought Joseph for resale into permanent servitude. Thirty shekels of silver must have been a lot of money; 50 shekels was that much more.[20]

E. Lifetime Servitude

Would the seducer have come under the provisions of the debt-release provisions of the sabbatical year (Deut. 15)? Probably not. If

15. Chapter 62. Cf. James B. Jordan, *The Law of the Covenant: An Exposition of Exodus 21–23* (Tyler, Texas: Institute for Christian Economics, 1984), Appendix D.

16. When I wrote the first edition of *Tools of Dominion*, I did not understand that Leviticus 27:1–5 was a system of priestly adoption entry prices. I came to this conclusion as a result of my work on Leviticus. North, *Boundaries and Dominion*, ch. 35. These prices constituted priestly servitude, not servitude as such.

17. Isaac Mendelsohn, *Slavery In the Ancient Near East* (New York: Oxford University Press, 1949), pp. 119–21.

18. Appendix A: "The Reconstruction of Egypt's Chronology."

19. Mendelsohn, *Slavery In the Ancient Near East*, pp. 117–18.

20. There is a hidden danger in one account of a purchase in the Old Testament, David's apparent purchase, for 50 shekels of silver, of the threshing floor that later became the site of the temple (II Sam. 24:24). This was a very desirable location on a mountain top in the midst of the capital city of the nation. How could he have purchased this for the price of a slave? The answer is that he actually paid 600 shekels of gold (I Chron. 21:25). The 50 shekels probably bought only the oxen used in the sacrifice.

these sabbatical year provisions had applied to this crime, they would have subsidized seductions in the years immediately preceding a year of release by lowering their financial risk. To avoid this implicit subsidy of sin, the young man would probably have been regarded by the court as the equivalent of a thief who had to make full restitution to his victims, even if it meant lifetime servitude. He could not escape the payment of the bride price.

In effect, the young man would have come under his father-in-law's jurisdiction for many years. This would have been an appropriate form of judgment for his having lured the girl into making a covenant vow autonomously. They would both be brought under the jurisdiction of the girl's father as a punishment, but also as a way to bring them greater respect for his authority in the future.[21]

All or most of the bride price eventually came to the daughter, and from her to her children. It was her protection against an incompetent husband. It was administered on her behalf by her father. It was held in trust by him in her name, unless he delivered it to her at the time of her marriage as her dowry. In this case, her father would have collected the bride price, year by year, in the form of wages from the son-in-law, unless the son-in-law sold himself into bondage to another buyer, with the money going to his father-in-law. If he sold himself to his father-in-law, this would have built up his heirs' capital indirectly. He would learn future-orientation (deferred gratification) the hard way.

Thus, the risk of seducing a virgin was very great, even if the father accepted the seducer as a son-in-law. Seduction had tremendously negative consequences. There were heavy economic sanctions against seduction. The worst sanction, however, was a father's refusal to allow her to marry him. He would still have to pay the bride price. The girl's father could extract the full penalty, up to 50 shekels of silver. If the father was vindictive, or if he believed that the young man was morally corrupt or an economic incompetent, he could choose to get him away from his daughter by selling him into lifetime slavery. Then the young man could marry only at the discretion of his new master.

21. United States Senator Daniel Moynihan (New York) proposed a sweeping reform of the national welfare system. One of these reforms would make mandatory that unmarried parents under the age of 18 years old be required to live with their own parents, or in a foster home or a maternity home, if they receive welfare payments. The system presently encourages a teenage mother to move away from her home by paying her more money if she moves out. Suzanne Fields, "Welfare Reincarnate: Seeking new life for a gasping system," *Washington Times* (July 28, 1987), Sect. D, p. 1.

If kept by the girl's father, he faced the prospect of a life without a wife, if the man was vindictive and refused to provide a wife for him.

All this risk for a few moments of unauthorized ecstasy. Unauthorized ecstasy carried a high price under the Old Covenant.

1. The Seducer's Legal Right to Pay

The fundamental legal principles of this case law are still in force. Consider this law's implications. The seducer was not entitled to the girl, but he was entitled (and required) to pay her father. Being "entitled to pay" the equivalent of a large fine may seem a peculiar way to describe his legal position, but the right of payment was important to the judicial standing of the seducer. If he was to be regarded by God and the community as one who stands behind his vows, he had to be allowed to pay the formal bride price. Otherwise, it would seem to the community that he was a man who willingly visited prostitutes (promiscuous women). Such evil men prefer paying token fees for sexual favors rather than paying a large bride price once.

The implicit vow of the seducer was not rendered null and void just because the girl's father denied her permission to marry him. He was required by God to consummate his vow, not in marriage, but through the payment of the formal bride price to the father. The adult male, as the initiator of the vow, had to fulfill its terms. In this case, any male old enough to seduce a woman was considered an adult whose vow was binding.

If he had not been required to pay her father, it would then have appeared as though her father had no legal ground to collect the formal bride price, meaning that he recognized that his daughter was a whore, and also that he had been implicitly or explicitly consenting to the fact. A whore is not simply a woman who charges money for sexual favors. A whore is anyone who experiences sex outside of marriage, except the first time through an implicit vow, which is then consummated either in marriage or the payment of the formal bride price. If her father knew that she was no longer a virgin, and still consented to her repeated contacts, he was thereby identifying his own household as a house of prostitution.

How would a young man who fornicates with a non-virgin, believing her to be a virgin, subsequently defend himself against compulsory marriage to a promiscuous woman if she then goes to her father and claims that this young man is her first seducer? He is very nearly defenseless judicially. To escape marrying her, he must either

prove in court that she is promiscuous or else pay the 50 shekels to her father and hope that he refuses to allow the marriage. How can he prove that she is a promiscuous woman? Only by identifying a previous seducer. This would probably be very difficult without the earlier consort's willingness to identify himself voluntarily. What would be another man's incentive to admit this? Only to satisfy his sense of righteousness—a moral sense that previous fornicators might not possess in abundance. While her father could no longer compel any man to marry her, because she would be publicly identified as promiscuous, the confessed seducer would lose his reputation. Furthermore, had he been a married man at the time of the seduction, his wife could legally insist on his execution. Thus, seducing a presumed virgin was a highly risky activity in Old Covenant Israel: a man could wind up in debt servitude, married to a retired whore.

Could the average young man have afforded a bride price of 50 shekels of silver? Only by selling himself into lifetime service to someone. This is the amount of money appropriate to the purchase of a criminal who was being sold into lifetime servitude in order to raise enough money to repay his victims. Obviously, it was not the intention of God to force each bridegroom into slavery in order to marry. Thus, the 50-shekel payment indicates an extreme.

Why would this penalty be imposed? Because the young man unilaterally arrogated to himself the right to lure her into making a vow that only her father could rightfully sanction. He acted as her advisor, as if he possessed the authority of her father. Thus, he becomes responsible for paying the bride price that may serve as her future dowry for marriage to another man. He acted in place of her father; he now pays her dowry in place of her father.

F. The Bridegroom's Covenant Lawsuit

The girl now is no longer a virgin. In a God-honoring society, any future suitor would have to be informed of this fact before a betrothal. If the marriage takes place, she will be discovered by the bridegroom not to be a virgin. If he has not been informed of her status, he can break the marriage through divorce, including *divorce by execution*, "because she hath wrought folly in Israel, to play the whore in her father's house" (Deut. 22:21). He does not have to have her executed, for Joseph decided to put Mary away quietly for her perceived unfaithfulness (Matt. 1:19), but in a biblical commonwealth, the bridegroom would have the legal option of requiring her death. He would

not know if the violation had taken place after the betrothal unless he had been informed of her condition before the betrothal.

1. The Two Victims

Notice that the law in Deuteronomy does not say that she has sinned against the bridegroom, although he surely had been deceived. He had paid the bride price to her father, yet she had implicitly taken a vow to another. The Bible says that she has sinned against her *father* and against *Israel*, the priestly nation. Then why does the bridegroom bring formal charges against her? Because the bridegroom has become *the lawful covenantal agent of Israel and her father*.

The bridegroom is the only one who can legally discover her lack of biological evidence attesting to her own virginity.[22] If he does not present the biological tokens of her virginity to her father or an agent of civil or church government, then her father cannot subsequently prove that his daughter had not played the whore under his household administration.[23] Her father is therefore legally powerless to defend her life. In fact, only by remaining silent can he demonstrate publicly that his household is free from the bridegroom's accusation of whoredom, and that he is not a pimp. The bridegroom is the covenantal agent of the holy community and also the covenantal agent of a righteous father's household. His public accusation allows her father to preserve his family's good name by implicitly supporting his charge by not coming to her defense. He has replaced her father as the covenantal head over her. He brings a covenant lawsuit against her as a whore in the name of her father and the priestly nation.

2. Jesus Christ, the Bridegroom

Biblically speaking, Jesus Christ brought a covenantal lawsuit

22. Today, a gynecologist could also legally discover this. This raises the legal question of the authority of the physician to remain silent. Biblically, the daughter who is still living at home is not an independent legal agent. An unmarried daughter living at home is under her father's covenantal administration. The physician's contractual obligation to provide information is with her father, not with her. Thus, biblically speaking, the physician has an obligation to inform her father of the lack of evidence of her virginity, including her pregnancy. This principle also governs the covenantal obligation of anyone dispensing contraceptives to an unmarried male or female minor to receive written permission from the head of household first.

23. If her lack of physical evidence for her virginity was the result of something other than previous sexual intercourse, then she would have to inform her father, who would in turn warn the prospective bridegroom before the betrothal, and get from him a signed statement or other suitable courtroom evidence of his acceptance of this explanation in lieu of the physical tokens.

when He charged Israel with spiritual whoredom. He was Israel's divine Bridegroom, sanctioned by Israel's Father, yet He caught Israel worshipping false gods. He publicly called the rulers of Israel "sons of your father, the devil" (John 8:44).

Whoredom had been Israel's problem from the beginning, which the entire Book of Hosea was written to illustrate, and which Ezekiel 16 was devoted to explaining. In God's eyes, as Israel's Father, His daughter was deserving of death as a whore. But Jesus Christ came to pay the bride price for all mankind, including Israel. He paid it to God the Father, as required. This restored God's reputation among His enemies as the cosmic Judge.[24] Without this payment, God's authority as cosmic Judge would have been compromised, for He would be viewed as a God who cannot bring His word to pass in history. He would be viewed as a Father who cannot control the actions of his promiscuous or adulterous daughter. His only other option would have been to bring His daughter to the authorities for burning, as the fornicating daughter of a priest (Lev. 21:9). This is what God did with national Israel in 70 A.D.

Israel needed the payment of this bride price by the Bridegroom in order to be married. Without His acceptance of her, He could have had her executed. The period from Christ's resurrection to the fall of Jerusalem in 70 A.D. was the period in which Israel could accept this bride price, and covenant with Jesus. But to do this, Israel had to align herself with the gentile church, the new bride of Christ. This implication is what the Jews and the Judaizers in the church resisted.

It was clear what it meant if the church really is God's new bride. If Jesus was the true Bridegroom, and if Israel was truly promiscuous and in need of acceptance by the Bridegroom, then Old Covenant Israel was about to be publicly burned by God. Jesus had identified Israel as a whore, a spiritual adulteress. Israel was doomed to certain death. The daughter of a priest was under special restraints.

It is quite likely that the Judaizers who kept infiltrating the early church understood what was coming. If Israel was truly required to covenant with Christ, becoming His bride through church membership, then it meant that the old bride, Old Covenant Israel, would be cut off by divorce, making the consummation of Christ with His

24. The family name of God is always *the* key motivation in God's decision to bring judgment. Moses appealed to God to spare the Hebrews by appealing to God's reputation among His enemies (Ex. 32:11–14). Nathan reminded David that his adultery and murder had given the enemies of God a cause to blaspheme (II Sam. 12:14).

new bride legitimate. God would consummate His marriage with the church, the new wife, through *divorce by execution*. Thus, the Judaizers worked hard to bring the gentiles under the covenantal signs of the older covenant. The gentiles had to be made members of the Jewish bride. Not to do so would have been to admit that covenantal judgment was coming to the nation of Israel.

Israel's destruction can be viewed symbolically in several ways: first, as God the Father's burning of her as the promiscuous daughter of a priest; second, as Jesus Christ's successful prosecution of her as the Bridegroom of a non-virgin bride; third, as God's adulterous bride (Hosea). The Father would have burned her, but He offered her one last possibility: marriage to the Bridegroom who knew of her fornication, but who was willing to pay the bride price, as if she were righteous. When Israel rejected this offer of marriage, God the Father had His Son serve as the instrument of His wrath. Israel was publicly burned. Fire from heaven is what was poured forth symbolically on Israel in 70 A.D., the comprehensive judgment of God.[25]

The Bridegroom, in His mercy, still has left alive a remnant of the old bride: genetic Israel. He offers full covenantal restoration to fallen Israel, and He promises to bring her into union with Him when the fullness of the gentiles has come (Rom. 11).[26] But Israel will come in only as part of the church, not as a separate body. *God publicly divorced Israel by execution in 70* A.D. Once a covenantally valid divorce has taken place, and one partner has remarried, there cannot legally be a remarriage between the lawfully divorced partners (Deut. 24:4). Genetic-covenantal Israel as genetic-covenantal Israel can never again become God's bride. Only by joining new covenant Israel can genetic-covenantal Israel be reunited in marriage to God.[27]

G. New Testament Applications

I already explained how the principle of the bride price and dowry could apply in New Testament times.[28] What about the possible ap-

25. David Chilton, *The Days of Vengeance: An Exposition of the Book of Revelation* (Ft. Worth: Dominion Press, 1987).

26. Gary North, *Cooperation and Dominion: An Economic Commentary on Romans*, 2nd ed. (Dallas, Georgia: Point Five Press, [2000] 2012), ch. 7.

27. This line of argumentation based on Deuteronomy 24:4 rejects the teaching of dispensationalism that the ritual signs and symbols of the Old Covenant will be the basis of membership in the New Covenant during a future millennium. This is the underlying theology of the Judaizers.

28. Chapter 3.

plications of the laws regarding seduction? Are they still mandatory in New Testament times? If so, have they been modified in any way?

1. Dowries

What would be the equivalent of the mandatory bride price for seducers? It would be at least the economic equivalent of a girl's dowry from her father. Most Western nations have abandoned formal dowries, but the principle of endowing a daughter is still recognized. Instead of jewelry or land, a daughter receives an expensive formal education and a wedding paid for by her parents. Friends bring presents to the wedding, but parents pay for it.

The Old Testament principle was far better: the bridegroom paid the father, who then either paid the daughter in capital goods (not presents), or else he held the assets for her and the grandchildren.

The collections of laws from the ancient Near East devoted considerable space to discussing dowries and obligations. Hammurabi's Code from paragraph 128 through 184 deals with dowries, the longest section in the Code.[29] These rules were generally well thought-out and sensible. Examples: "If, when a seignior acquired a wife, she bore him children and that woman has then gone to (her) fate, her father may not lay claim to her dowry, since her dowry belongs to her children" (paragraph 162). All right, what if she died, leaving no children? Should the son-in-law inherit the dowry? That depends on who keeps the bride price. "If a seignior acquired a wife and that woman has gone to (her) fate without providing him with children, if his father-in-law has then returned to him the marriage-price which that seignior brought to the house of his father-in-law, her husband may not lay claim to the dowry of that woman, because her dowry belongs to her father's house. If his father-in-law has not returned the marriage-price to him, he shall deduct the full amount of her marriage-price from her dowry and return (the rest of) her dowry to her father's house" (paragraphs 163–64). It was all spelled out in advance. Each party knew where he stood.

2. The Absence of Monetary Specifics

In the Old Testament era, 50 shekels of silver was a great deal of money, the vow price of an adult male slave (Lev. 27:3). Today, because of the vast increase in mining, 50 one-ounce silver coins are not

29. *Ancient Near Eastern Texts Relating to the New Testament*, ed. James B. Pritchard, 3rd ed. (Princeton, New Jersey: Princeton University Press, 1969), pp. 171–74.

worth much: the equivalent of two months' wages in a low-age job in the United States. Thus, the imposition of a 50-shekel bride payment would not be meaningful in an advanced society.

What is the basis for arguing that in principle, the obligation of the bride price is still in force, yet the specific penalty is no longer in force? Can the spirit of the law be maintained while violating the Old Testament letter of the law? If so, on what basis?

With the death in 70 A.D. of national Israel, the harlot daughter and harlot wife, God removed the specific monetary penalties attached to the land. Christ's payment fulfilled the specific terms of the law, as did the death of the law-breaker, national Israel. Penalties that involve physical pain (whipping, for example), or the loss of life (capital punishment), or percentages forfeited (proportional restitution) retain their permanent character as punishments to be avoided irrespective of time or place. This is comparable to the principle of the tithe: the required percentage remains constant, but the currency unit is not specified by biblical law.

On the other hand, punishments that were tied to Israel's land and the nation's historical role are no longer binding, such as specific money prices for a slave gored by an ox, or the bride price, or the military atonement price (the erroneously named "head tax"),[30] or the sacrifices of specific animals for specific transgressions, or specific ritual washings. The common latrine in a military camp is now the technical substitute for going outside the camp and using a personal spade to dig an individual hole (Deut. 23:13).

The Old Testament, unlike the law collections of contemporary nations, did not impose many specific monetary fines. There were also no price controls in Israel, unlike the laws of Eshnunna, which is basically a listing of fixed prices for goods, services, and fines,[31] or Hammurabi's Babylon,[32] or the Hittites.[33] Thus, with very few exceptions, the Mosaic law avoided detailed monetary penalties. It did not presume to interfere with competitive bargaining. Only in a handful of instances were specific prices mentioned, and these were in the context of ritual payments to the temple and restitution payments to

30. Chapter 62.

31. *Ancient Near Eastern Texts*, pp. 161–63.

32. *Ibid.*, pp. 167–77: paragraphs 17, 24, 51, 88, 90, 111, 114, 116, 121, 156, 203–4, 207–9, 211–17, 220–24, 228, 234, 239, 241–43, 251–52, 257–61, 268–77. End of text: 282.

33. *Ibid.*, 189–97: paragraphs 4–18, 20, 22–25, 26(B), 42, 77–78, 81–89, 91–97, 101–5, 107–9, 119–48, 150–62, 164–65, 167–68, 170, 172, 177–86 (extremely detailed price controls), 200. End of text: 200.

victims. Percentages, not specific amounts of metal, were the rule for imposing punishments. This makes it more difficult to understand in retrospect the magnitude of a handful of specified monetary penalties, but it also made it possible for biblical law to stand without revision until 70 A.D.

3. Modern Equivalents

Let us consider what the ideal situation would be, when enforced by family, church, and civil authorities. A man seduces an unmarried woman. They immediately go to her father and admit their physical bond. He then decides whether to allow the marriage. If he is willing to listen to the man, he demands a bride price, probably high. The man has no choice in the matter. He may have to sell everything he has, or even accept bondservice to the father for a period of time. The civil government would enforce the father's decision. The father retains the option of denying them the right to marry. If he is supported in this decision by church and state—which would be normal—he can impose on the man the equivalent of her dowry.

What is the modern dowry? A monetary payment equivalent of a college education or other formal training, plus the cost of a wedding. This would probably involve the equivalent of many years of net income, after minimal support for himself. If the girl had received no advanced education, he would pay for it. If she had been sent to private high school and college by her father, the father would be reimbursed for the expenses, plus interest from the time of the seduction until final payment. The seducer would pay for her dowry.

The next potential bridegroom could not be asked to pay something. She has become a liability. In a God-honoring society, her lack of virginity would be an initial liability, depending on the circumstances of her rebellion. A righteous young man would fear a flaw in her moral character. But if she brings skills and money into the marriage, plus several years of righteous behavior, he may be willing to consider her.

In our day, all this sounds very old fashioned, even archaic. These days, so does chastity. This marks the moral decline of the West, not its moral maturity. With Christ's payment behind us, all sins can be covered in each person's experience, but this does not obliterate the need for visible evidence of progressive sanctification. The words of moral warning of the father to his son in the first nine chapters of Proverbs are still valid.

Conclusion

This case law indirectly brings up the threat of slavery. This is the integrating theme of the case laws of Exodus 21–23. The penalties of public sinning are always of such magnitude that flagrant public sinning could and probably would involve a return to slavery for most publicly condemned sinners. This, of course, is the central message of the Book of Exodus: God delivers His covenant people from slavery, but He threatens them with a return to slavery if they should continue to break His covenant. Ultimately, He threatens them with public execution.

The bride price paid to the father by the seducer is a classic example of this return to slavery. The short-run perspective of the seducer is essentially the time perspective of Satan and his followers: a few moments of ecstasy in defying God, and eternity in bondage to repay Him. These forbidden moments of ecstasy began in the garden and will end at the final judgment.

In the Mosaic Covenant era, the seducer might be allowed to become a righteous husband, but only at the discretion of the seduced girl's father. He became a righteous husband—with or without a bride—through the public payment of a very high bride price. The maximum of 50 shekels of silver points to a lifetime of bondservice to repay. If the father allowed the marriage, the heirs of the sinner would inherit, but he himself paid the price. Wealth was transferred from the older generation to the younger.

This was Israel's lesson in the wilderness. The fathers were still mental and moral slaves. They rejected God when they tried to stone Joshua and Caleb (Num. 14:10). They were forced to wander in the wilderness until their children could inherit the land. Even Joshua and Caleb suffered, just as Jacob had suffered at the hand of Laban, for the unrighteousness and cowardice of their covenantal peers. They had to wait for an extra generation before they could enter the land. God extracted the bride price from that seducing and adulterous generation, so that their heirs might inherit it. God gave them sufficient capital to raise the next generation, and then they died in the wilderness. Delivered by God's grace from Egyptian slavery, they nevertheless remained in lifetime bondservice to God in the wilderness.

The New Testament standard is analogous, not identical. The land of Israel has lost its covenantal relevance. The price of silver has changed. But the judicial principle has remained the same: the seducer must pay for the bride's dowry, whether her father allows the

couple to marry or not. The civil government is supposed to enforce this penalty. Seduction is not to be indirectly subsidized by the removal of negative economic sanctions.

48

OPPRESSION, OMNISCIENCE, AND JUDGMENT

> *Thou shalt neither vex a stranger, nor oppress him: for ye were strangers in the land of Egypt. Ye shall not afflict any widow, or fatherless child. If thou afflict them in anywise [any way], and they cry at all unto me, I will surely hear their cry; and my wrath shall wax hot, and I will kill you with the sword; and your wives shall be widows, and your children fatherless.*
>
> EXODUS 22:21–24

The theocentric principle here is the office of God as the kinsman-redeemer, and therefore the blood avenger (the same office): the *ga'al*. "Speak unto the children of Israel, When a man or woman shall commit any sin that men commit, to do a trespass against the LORD, and that person be guilty; Then they shall confess their sin which they have done: and he shall recompense his trespass with the principal thereof, and add unto it the fifth part thereof, and give it unto him against whom he hath trespassed. But if the man have no kinsman to recompense the trespass unto, let the trespass be recompensed unto the LORD, even to the priest; beside the ram of the atonement, whereby an atonement shall be made for him" (Num. 5:6–8). In lieu of a family kinsman-redeemer, God serves in this office.

A. Protecting the Vulnerable Members of Society

God protects the vulnerable members of His covenant family when they have no one to act in their behalf. So should we. Men's treatment of the helpless reflects their willingness or unwillingness to serve as representatives of God in His capacity as the defender of the oppressed. How men treat other people indicates their attitude toward God, for man is made in God's image. How they treat others tells

God how He would be treated by them if they got the opportunity. Speaking of the final day of Judgment, Jesus said:

> Then shall the King say unto them on his right hand, Come, ye blessed of my Father, inherit the kingdom prepared for you from the foundation of the world: For I was an hungred, and ye gave me meat: I was thirsty, and ye gave me drink: I was a stranger, and ye took me in: Naked, and ye clothed me: I was sick, and ye visited me: I was in prison, and ye came unto me. Then shall the righteous answer him, saying, Lord, when saw we thee an hungred, and fed thee? or thirsty, and gave thee drink? When saw we thee a stranger, and took thee in? or naked, and clothed thee? Or when saw we thee sick, or in prison, and came unto thee? And the King shall answer and say unto them, Verily I say unto you, Inasmuch as ye have done it unto one of the least of these my brethren, ye have done it unto me (Matt. 25:34–40).

If one's protection of the weak testifies to one's willingness to honor God, then God in turn will protect those who offer protection. Men are weak in the sight of God. They need His protection. How they treat the weak in history will determine how God treats them in history. "And he said unto them, Take heed what ye hear: with what measure ye mete, it shall be measured to you: and unto you that hear shall more be given" (Mark 4:24).

B. Restraint and Protection

Strangers, widows, and orphans: these three representative examples, along with the poor, are seen in the Bible as being especially vulnerable to oppression.[1] "Also thou shalt not oppress a stranger: for ye know the heart of a stranger, seeing ye were strangers in the land of Egypt" (Ex. 23:9). They deserve protection.

1. Faithfulness and Liberty

If the Hebrews remained faithful to God in this matter of dealing with strangers, God promised, they would retain their own civil liberties. If the judges of the land remained so committed to the ethical terms of God's covenant that they would restrain the oppression of strangers, widows, and orphans by fellow Hebrews, then all righteous Hebrews could safely retain confidence in their judges. On the other hand, if a system of bribes or special favors corrupted the judges, and they began to show favor to the interests of Hebrews in their legal disputes with

1. Charles F. Fensham, "Widow, Orphan and the Poor in Ancient Near Eastern Legal and Wisdom Literature," *Journal of Near Eastern Studies*, XXI (1962), pp. 129–39.

resident aliens, widows, and orphans, then this would be a preliminary manifestation of looming tyranny, domestic and then foreign. "Your wives shall be widows, and your children fatherless" (v. 24).

Why does God single out the widow, the orphan, and the resident alien? Because they are representative of a general class of people. If we search for the distinguishing characteristic of all three—their representative feature—we find that there is only one: *their lack of covenantal representation*. It is appropriate that this should be the focus of the law in the Book of Exodus, the premier book in the Bible and in the Pentateuch on hierarchical representation. The widow has no husband; the orphan has no parents; the resident alien has no tribe and no legal status in the assembly. The first two have no family head above them; the third has no ecclesiastical or judicial place in the hierarchy. No earthly agent *speaks* for the resident alien in the assembly. No one *listens* to the widow and orphan. No one has a major cultural incentive to protect them.

Nevertheless, they are not covenantally defenseless. Their lack of a covenantal intermediary between them and God does not leave them without judicial recourse. Prayer can bring them before the judgment seat of the King. Their prayers indicate that they honor God in their hearts by subordinating themselves to Him. Prayer testifies to a person's faith in the hierarchical nature of the universe. God will therefore listen to them. "If thou afflict them in anywise [any way], and they cry at all unto me, I will surely hear their cry." God will protect them. They have honored His sovereignty and His hierarchy through their prayers. In contrast, their oppressors have ignored His revealed law. He will therefore uphold His law. He will intervene, acting on their behalf: "And my wrath shall wax hot, and I will kill you with the sword; and your wives shall be widows, and your children fatherless." He will bring judgment in history, on the basis of *lex talionis*: an eye for an eye, a dead husband for the victim's dead husband, dead parents for the victim's dead parents. The invisible God of the Bible will intervene in history as their representative agent. He becomes their kinsman-redeemer, and in doing so, He becomes the wicked oppressor's blood avenger. He cuts off the oppressor's inheritance. In short, God defends all five points of His covenant.

2. God's Negative Sanctions in History

God says that Biblical law is to be honored by individuals and their courts above all considerations of race, family, or other personal

relationships. Judges are required to uphold its terms without respect to persons. "Ye shall not respect persons in judgment; but ye shall hear the small as well as the great; ye shall not be afraid of the face of man; for the judgment is God's: and the cause that is too hard for you, bring it unto me, and I will hear it" (Deut. 1:17).[2] If for any reason the civil courts should fail to uphold the law, God warned the Israelites, then the nation as a whole would be held responsible for having broken the terms of His covenant. God would bring His negative sanctions against the whole nation.

> But if ye will not hearken unto me, and will not do all these commandments; And if ye shall despise my statutes, or if your soul abhor my judgments, so that ye will not do all my commandments, but that ye break my covenant: I also will do this unto you; I will even appoint over you terror, consumption, and the burning ague, that shall consume the eyes, and cause sorrow of heart: and ye shall sow your seed in vain, for your enemies shall eat it. And I will set my face against you, and ye shall be slain before your enemies: they that hate you shall reign over you; and ye shall flee when none pursueth you. And if ye will not yet for all this hearken unto me, then I will punish you seven times more for your sins. And I will break the pride of your power; and I will make your heaven as iron, and your earth as brass: And your strength shall be spent in vain: for your land shall not yield her increase, neither shall the trees of the land yield their fruits. And if ye walk contrary unto me, and will not hearken unto me; I will bring seven times more plagues upon you according to your sins. I will also send wild beasts among you, which shall rob you of your children, and destroy your cattle, and make you few in number; and your high ways shall be desolate. And if ye will not be reformed by me by these things, but will walk contrary unto me; Then will I also walk contrary unto you, and will punish you yet seven times for your sins. And I will bring a sword upon you, that shall avenge the quarrel of my covenant: and when ye are gathered together within your cities, I will send the pestilence among you; and ye shall be delivered into the hand of the enemy (Lev. 26:14–25).[3]

The decision to ignore God's law by the civil and priestly representatives of a nation is inescapably a covenantal decision, God has always insisted. Citizens under the judges' authority in ancient Israel were held responsible by God for the injustice of the judges, for they possessed the power to replace the judges for unrighteousness (Ex. 18:21). Furthermore, their long-term public consent to the faith-

2. Gary North, *Inheritance and Dominion: An Economic Commentary on Deuteronomy*, 2nd ed. (Dallas, Georgia: Point Five Press, [1999] 2012), ch. 4.

3. Gary North, *Boundaries and Dominion: An Economic Commentary on Leviticus*, 2nd ed. (Dallas, Georgia: Point Five Press, [1994] 2012), ch. 34.

less decisions of Israel's civil magistrates meant that God would hold them responsible as a nation. There could be no lawful appeal to God by any private citizen that "I was only following orders." There could be no successful appeal by the citizens as a covenantal unit that "our leaders did these things against our will." The existence of a covenantal cause-and-effect relationship between the moral character of a nation's rulers and the moral character of a majority of its citizens is why we know that evil, incompetent, and cowardly leaders are a curse brought by God on self-consciously evil citizens. Those who prefer to be ruled by the laws of men rather than the laws of God shall be given their heart's desire: tyranny and high taxes (I Sam. 8).[4]

3. Protection

If the people of Israel oppressed strangers, they could do this only by ignoring God's law. God's Bible-revealed law was designed by God to be the judicial means of civic righteousness throughout history. It was designed to *protect* men. But in ancient Israel, men soon learned that if they were compelled by the civil government to obey God's law, they could not effectively oppress the stranger, the widow, and the orphan. Yet exploiting these victims proved so profitable in the short run that short-run thinkers decided to abandon God's law. Short-run thinkers always do.[5] They think that God will not see what they do.

> They break in pieces thy people, O LORD, and afflict thine heritage. They slay the widow and the stranger, and murder the fatherless. Yet they say, The LORD shall not see, neither shall the God of Jacob regard it. Understand, ye brutish among the people: and ye fools, when will ye be wise? He that planted the ear, shall he not hear? He that formed the eye, shall he not see? He that chastiseth the heathen, shall not he correct? He that teacheth man knowledge, shall not he know? (Ps. 94:5–10).

The spiritual advisors of every era who come before God's people and tell them not to pay any attention to the specifics of God's re-

4. Gary North, *Disobedience and Defeat: An Economic Commentary on the Historical Books* (Dallas, Georgia: Point Five Press, 2012), ch. 14.

5. Today, however, a strange transformation has taken place. Humanists and pietists agree: God's revealed law is tyrannical, inherently a source of oppression" They have abandoned God's revealed law in the name of universal principles of "right reason" and "religiously neutral civil justice." Because they view God's revealed law as the source of oppression rather than its cure, they call for the extension of humanist civil law" They cannot seem to understand why oppression multiplied in the twentieth century, but they know what is needed to cure it: more of the same.

vealed law are sure that God will not impose His negative sanctions in history. "Then said I, Ah, Lord GOD! behold, the prophets say unto them, Ye shall not see the sword, neither shall ye have famine; but I will give you assured peace in this place" (Jer. 14:13). They lie. They are the apologists for oppression, the watchmen who are asleep.

C. Evangelism Through Law

The treatment that Hebrew judges displayed officially to the resident alien was the primary civil symbol of the nation's honoring of the terms of God's covenant. The uncircumcised stranger was outside the ecclesiastical covenant, but he was not outside both the restraint and the protection of the civil law. Everyone inside the geographical boundaries of the nation of Israel was bound to the judicial terms of the civil covenant. Each resident was therefore compelled to affirm his subordination to God, not necessarily as a member of God's ritual household, but as one who was nevertheless under God's visible authority.

1. Aliens and the National Covenant

To achieve the comprehensive external blessings of the covenant, aliens were required by God to place themselves inside Israel's geographical and covenantal boundaries. Isaiah predicted that one sign of Israel's covenantal faithfulness would be that the nations would pour into the land to worship at Mt. Zion (Isa. 2:2–3). When this happens, Isaiah said, the Lord will judge the nations and turn swords into ploughshares (Isa. 2:4). This did not mean that every person on earth was to take up permanent residence in tiny Israel. It meant that the borders of Israel were to be extended *covenantally* to cover the whole earth. The sign of this geographical expansion would be the willingness of the nations to covenant with the God of Israel. They would accept His law and His sacrifices as their own. They would replace their false gods with the God of the Bible. To say that they were not to do this is to say that God's salvation was in principle offered only to the Israelites. It would mean that there was supposed to be no evangelism prior to the ministry of Jesus Christ, no preaching of God's word and the need for repentance outside the geographical boundaries of Palestinian Israel. Does any Christian want to maintain such a view of 1,400 years of biblical religion in Old Testament Israel? (Officially, no; practically, yes.)

How could the gentile nations learn of the wonders of God's judg-

ment and His blessings (Deut. 4:6–8)?[6] One way would be through the information sent back from fellow countrymen living in Israel. Placing resident aliens under the protection of God's civil law was therefore to be a preliminary stage of international evangelism.

2. Greek Mythology: Justice for All

This was an evangelism program unique to ancient Israel. It was common in the ancient world to regard resident aliens as outside the protection of civil law. This was true even of "enlightened" Greece and Rome.[7] To be a citizen meant that you had to participate in the religious rites of the city. Only those born into or adopted by families that had been "present at the creation" of the city-state had lawful access to these civil sacrifices; only they were citizens.[8] This is why exile was so devastating to an ancient citizen; he was permanently cut off from his family's religious rites as well as his city's rites, yet he could not participate in the rites of his new residence. Fustel wrote:

> We can easily understand that, for the ancients, God was not everywhere. If they had some vague idea of a God of the universe, this was not the one whom they considered as their providence, and whom they invoked. Every man's gods were those who inhabited his house, his canton, his city. The exile, on leaving his country behind him, also left his gods. He no longer found a religion that could console and protect him; he no longer felt that providence was watching over him; the happiness of praying was taken away. All that could satisfy the needs of his soul was far away.
>
> Now, religion was the source whence flowed civil and political rights. The exile, therefore, lost all this in losing his religion and country. Excluded from the city worship, he saw at the same time his domestic worship taken from him, and was forced to extinguish his hearth-fire. He could no longer hold property; his goods, as if he was dead, passed to his children, unless they were confiscated to the profit of the gods or of the state. Having no longer a worship, he had no longer a family; he ceased to be a husband and a father. His sons were no longer in his power; his wife was no longer his wife, and might immediately take another husband.... It is not surprising that the ancient republics almost all permitted a convict to escape death by flight. Exile did not seem to be a milder punishment than death. The Roman jurists called it capital punishment.[9]

6. North, *Inheritance and Dominio*n, ch. 8.

7. Numa Denis Fustel de Coulanges, *The Ancient City: A Study on the Religion, Laws, and Institutions of Greece and Rome* (Garden City, New York: Doubleday Anchor, [1864] 1955), Bk. III, ch. XI, pp. 192–93.

8. *Ibid*., III:III. Occasionally, citizenship was granted to an individual who had served a city faithfully or to skilled immigrants in times of acute labor shortages, but this was rare.

9. *Ibid*., III:XIII, pp. 200–1.

3. Israel Was Different

The unbreakable link between the family's religious rites and the possession of civil rights did not prevail in Israel's holy commonwealth. Adoption was required for access to the nation's religious rites, but *this adoption was open to all people*, irrespective of the decision of a particular Hebrew family to adopt an alien son or daughter. God adopted individuals into His family, just as He had adopted Israel as a nation. The sign of God's adoption was circumcision. First, a person could gain access to civil and ecclesiastical rites through circumcision (Ex. 12:48). Access to membership in the biblical covenant in Old Testament Israel was not achieved through incorporation into one of the nation's founding families. Circumcised foreigners and their families were outside the jubilee land redistribution law (Lev. 25), but they or their heirs could nevertheless become full citizens (Deut. 23:3–8), although they would have had to live in the cities, where this law did not apply, or else live as renters or long-term leaseholders in rural areas. Second, resident aliens who chose not to be circumcised were under the civil law of Israel (Ex. 12:49), for the God of Israel is a universal God.

It was His assertion of universality that made the claims of the God of the Hebrews unique in the ancient world. For example, the theology of ancient Israel taught, in contrast to the theologies of rival pagan civilizations, that the defeat of His people militarily did not mean that the gods of Israel's military conquerors had triumphed over the God of Israel (Isa. 9–11). The Israelites could be scattered geographically, yet still remain under the terms of God's covenant law (Deut. 28:64–68). Why? Because God is a universal God who judges all men wherever they are in terms of His law or the work of the law written in their hearts (Rom. 2:14–15).[10] All of the ancient world was therefore under the ethical requirements of God's revealed law. The ancients were supposed to conform themselves to the Ten Commandments and the case laws that applied these commandments in daily living. Foreign nations were supposed to see the application of the legal principles outlined in the Ten Commandments in the actual daily operations of Israelite society, and they were supposed to imitate Israel. The resident alien was able to acknowledge this fact in a more visible way than those living outside the land of Israel.

10. Gary North, *Cooperation and Dominion: An Economic Commentary on Romans*, 2nd ed. (Dallas, Georgia: Point Five Press, [2000] 2012), ch. 2.

4. Resident Aliens Deserve Legal Protection

Any attempt on the part of the judges of Israel to place the resident alien outside the protection of God's law would have represented an attempt to pervert God's universal standards of justice. By not honoring God's law in every dispute between a Hebrew and a resident alien, the judge was in effect announcing: "God's law is binding only in terms of circumcision. Those outside this blood covenant are therefore not under the law's protection. This means that they are outside any general covenant that God has established with mankind. This in turn means that mankind is not required by God to honor the judicial terms of His covenant. God imposes no final claims on those outside the covenant, which is marked exclusively by physical circumcision of male heads of households. He is, therefore, a God of Palestine rather than the cosmic Creator. There is no universal covenant."

Obviously, such a view of God is foreign to everything God teaches regarding His absolute sovereignty as the Creator. To respect persons in rendering judgment, the judges would be denying God's holiness, His general covenant with mankind, the universality of His civil laws, and the absolute claims He places on all mankind. Thus, the uncircumcised stranger was entitled to full protection under the law, even though he could not become a citizen, meaning that he could not become a judge or own land permanently inside the nation (Lev. 25:11–17).[11]

Furthermore, if the judges refused to succumb to pressures by Hebrews to favor their cause just because of their racial characteristics, as marked by their circumcised flesh and their families' permanent ownership of land inside Israel, then they would probably not succumb to other pressures to withhold justice. The law of God made it clear that a Hebrew's treatment of bondservants, strangers, widows, orphans, the poor, and animals represented his treatment of all mankind. These weaker people and creatures were frequently under his authority, just as he was always under God's authority. As he treated those under him, so would God treat him. This is a very common theme in both Testaments, but especially in the case laws of Exodus, which is why so much space is devoted to setting forth the legal principles governing bondservants, maidservants, widows, the poor, and animals. God reminds them again and again that they had been strangers in Egypt. They needed the protection provided by righteous judgment, and so did the strangers in the land.

11. Chapter 14. Cf. North, *Boundaries and Dominion*, ch. 24.

This is why their years as slaves in Egypt were so important covenantally. They had suffered at the hands of lawless judges who refused to honor God's law. Such is tyranny throughout history: civil courts that deny the specific terms of God's revealed covenantal law. To avoid tyranny, God told them, render righteous judgment regardless of race, color, or creed. Place all people dwelling inside the *geographical boundaries* of Israel under the *ethical boundaries* of God's civil covenant. This was to remind residents of Israel that all men are born under the ethical terms of God's covenant, and they will all be held accountable in time and eternity for their disobedience. Thus, any refusal by the judges of Israel to honor God's law would inescapably damage God's testimony to the *sanctity* of His law, which necessarily meant His *sanctions:* blessing and cursing.[12]

If a Hebrew judge cursed a publicly righteous stranger in order to bless a publicly law-breaking Hebrew, then that judge was implicitly testifying to the partiality of God regarding the enforcement of His law, a false god who respects persons more than he respects the integrity of his law. This is false testimony to a false and unjust god who had been invented by the corrupt judge, and Jehovah God promises to bring judgment against any nation that continues to promote such false testimony through civil injustice.

5. Christian Antinomians Deny This

Those today who deny that the Old Testament case laws also applied judicially to the ancient world as far as God was concerned must therefore take the position that: (1) the Ten Commandments were never intended by God to be more than a local, temporary, tribal legal code; or (2) the Old Testament's case laws were not connected judicially to the Ten Commandments; or (3) both of the above. I have several questions for those who maintain such a position. Didn't God want pagans to worship Him? Didn't He want them to avoid worshipping idols, avoid using His name in vain, and avoid breaking the sabbath? Didn't He want them to honor father and mother, avoid murder, avoid adultery, avoid stealing, avoid bearing false witness, and avoid covetousness? Which of the Ten Commandments didn't apply to the ancient pagan world? And I would also ask this: Which of the case laws has nothing to do judicially with one or more of the Ten Commandments?

12. Ray R. Sutton, *That You May Prosper: Dominion By Covenant*, 2nd ed. (Tyler, Texas: Institute for Christian Economics, [1987] 1992), ch. 4.

Christians really do not want to maintain such a position publicly, yet their endlessly repeated statements against the legitimacy of biblical law forces them to take this position. "Should the Nations Be Under the Mosaic Law?" ask two dispensationalists, theologian H. Wayne House and pastor Thomas D. Ice.[13] They answer their question clearly: *no*. "The nations surrounding Israel were never called to adopt the law of Moses; rather Israel's obedience to the law would attract nations. Deuteronomy 4:6–8 says that the surrounding nations would be attracted to Israel and consider it wise."[14] This is the theological equivalent of saying: "The people surrounding the church are never called to adopt the religion of Christianity; rather Christians' obedience to the Christ should attract people. Matthew 28:18–20 says that the surrounding nations will be attracted to the church and consider it wise." That the authors' logic is internally schizophrenic should be clear to anyone who can follow an argument. To put it bluntly, this line of reasoning is utter nonsense. It is the argument that the specifics of God's revealed law are wise but they are not now nor were they ever in any way judicially binding on those outside of tiny Israel.

What can it possibly mean to argue that the law of God is wise but not morally or judicially binding? It means only this: those who argue this way prefer not to obey God's revealed law, except when they can prove to themselves and others that any particular biblical law is "wise." Their implicit (but always undefined) universal standard for wisdom is therefore something other than God's revelation of Himself in His law. But then the nagging question arises: *On what other basis than God's revealed law are men and nations condemned by God, in history and at the final judgment*? By what other standard will the sheep be separated from the goats? "And before him shall be gathered all nations: and he shall separate them one from another, as a shepherd divideth his sheep from the goats: And he shall set the sheep on his right hand, but the goats on the left" (Matt. 25:32–33). To put it in terms that even a dispensationalist can understand: *Is it wise to want to avoid eternal damnation*? If so, then isn't is also wise to have faith in Jesus Christ? Isn't it wise to obey Jesus? "If ye love me, keep my commandments" (John 14:15). "And hereby we do know that we know him, if we keep his commandments. He that saith, I know him, and keepeth not his commandments, is a liar, and the truth is not in him" (I John 2:3–4).

13. H. Wayne House and Thomas D. Ice, *Dominion Theology: Blessing or Curse?* (Portland, Oregon: Multnomah Press, 1988), ch. 7.

14. *Ibid.*, p. 128.

Faith requires obedience to validate its reality. "Even so faith, if it hath not works, is dead, being alone. Yea, a man may say, Thou hast faith, and I have works: shew me thy faith without thy works, and I will shew thee my faith by my works. Thou believest that there is one God; thou doest well: the devils also believe, and tremble. But wilt thou know, O vain man, that faith without works is dead?" (James 2:17–20).

One of these faithful works is to avoid oppressing the weak.

D. Economic Oppression

The question then arises: Is economic oppression a matter of civil action? Is it a criminal offense to oppress a stranger, widow, or orphan? In my comments on Exodus 22:1, 4, I wrote, "The general guideline for designating a particular public act as a crime is this: if by failing to impose sanctions against certain specified public acts, the whole community could be subsequently threatened by God's non-civil sanctions—war, plague, and famine—then the civil government becomes God's designated agency of enforcement. *The civil government's primary function is to protect the community against the wrath of God* by enforcing His laws against public acts that threaten the survival of the community."[15] The language of Exodus 22:24 surely indicates that God will avenge the oppressed by bringing curses on the community. "My wrath shall wax hot, and I will kill you with the sword."

Should the state pass specific legislation against economic oppression? Should the courts enforce legal precedents against economic oppression? The answers depend on whether the laws and penalties can be *formulated clearly and interpreted predictably* on the basis of biblical revelation. I also wrote this regarding the legitimate jurisdiction of civil government: "Continued injustice, *if* it can be biblically defined and publicly identified in advance through statute or judicial precedent, because it goes unpunished by the civil government, calls forth the wrath of God on the community, so there is ultimately no Bible-based distinction between civil law and criminal law."[16] Can a specific law against oppression be "biblically defined and publicly identified in advance through statute or judicial precedent"? This is the key judicial problem facing the civil magistrate. It is also the key judicial problem facing a free society: the problem of the *messianic state*, whose mark of oppression is its *judicial arbitrariness*.[17]

15. Chapter 17.
16. Chapter 17.
17. F. A. Hayek, *The Constitution of Liberty* (Chicago: University of Chicago Press, 1960).

Economic theory provides no definition of the concept of "economic oppression" in the case of voluntary transactions. Only where coercion is involved—the threat of physical violence —can the economist be confident that oppression is involved. This does not mean that a definition of oppression is impossible, but it does mean that no appeal to modern humanistic economic theory can provide a clear-cut definition. The use of the coercive power of the civil government to extract resources from other people can be regarded as oppression in most instances, but there are no clearly defined criteria of oppressive voluntary transactions made in a free market. The mere presence of competitive bargaining between unequally rich or unequally skillful bargainers does not constitute economic oppression, as the bargain between Jacob and Esau indicates (Gen. 25:29–34).[18] Nevertheless, there *are* acts of economic oppression, even if conventional economic theory cannot state the criteria scientifically (neutrally).[19]

Oppression and affliction are related concepts. The translators of the King James Version translated the Hebrew word for "oppression" (*lah-'gahtz*) as "affliction" in I Kings 22:27: "bread of affliction" and "water of affliction." The word is translated as "crush" in Numbers 22:25: "and crushed Balaam's foot." The Hebrew word for "affliction" (*guh-nah*) is also translated as "humble" in several instances.[20] Oppression can be judicial oppression (Ex. 23:7–9). Examples of this would be rendering false judgment or testifying falsely. It sometimes carries the meaning of sexual abuse of a defenseless woman.[21]

E. Protecting Women

One of the complaints of the American "women's liberation movement" of the 1970s and 1980s has been that women in the work force are frequently told by their supervisors or employers that they must compromise themselves sexually in order to retain their jobs or to advance their careers. This practice of "sexual harassment" is unquestionably an instance of affliction, as defined by the Bible. Women have called for legal penalties on men who resort to such tactics.[22]

It might be argued by defenders of pure laissez-faire capitalism

18. See Gary North, *Sovereignty and Dominion: An Economic Commentary on Genesis*, (Dallas, Georgia: Point Five Press, [1982] 2012), ch. 26: "Competitive Bargaining."

19. North, *Boundaries and Dominion*, ch. 25.

20. Ex. 10:3; Jud. 19:24, Ps. 35:13, etc.

21. Deut. 21:14, 22:24, 29; II Sam. 13:22; Lam. 5:11; Ezk. 22:10–11.

22. Men who find themselves employed by women who make the same demand would be equally entitled to protection by civil law.

that such a request by an employer may (or may not) be immoral, but that there should be no law against it. "After all, the woman does not have to submit. If she chooses not to prostitute herself, it could cost her dearly in terms of her career, but this is the free market's way: if you are not willing to pay the price demanded by the seller—in this case, the seller of the job—you have no valid complaint. After all, any attractive woman who decides not to become a prostitute thereby gives up the economic income that she might have earned. The only strictly economic difference between this woman and the woman who has been solicited by her employer is that she may not have been asked to become a prostitute by some man. But the economics of the two examples are the same: forfeited income for lack of consent. Each woman pays to retain her moral integrity. But the civil government should have nothing to say in either case."

The Bible prohibits prostitution. "Do not prostitute thy daughter, to cause her to be a whore; lest the land fall to whoredom, and the land become full of wickedness" (Lev. 19:29). To profane or pollute the land morally was a sin in the Old Testament. Today, it is a direct sin against Christ, who now spews out evil (Rev. 3:16), as the land was said to do in the Old Testament (Lev. 18:25). To pressure a woman to become a prostitute is itself an act of defilement. If either the woman or the employer is married, then the demand that she submit is also a call to commit the capital crime of adultery, for which both parties could be executed if discovered and convicted in a civil court, if the woman's husband so insists (Lev. 20:10). While there is no civil penalty attached to the command not to afflict the weak, it is clear that the judges have the authority in this instance—sexual harassment—to penalize the offender. Oppression as such is not penalized, but this specific form of oppression is, because biblical civil law deals with it.

Without the civil government's authority to inflict a penalty, this crime of demanding the performance of a capital crime could not easily be exposed to the civil authorities by the victim. The employer would suffer no civil penalty, and the woman would probably lose her job for having complained publicly. Thus, the enforceability of the law of God would be compromised. Sin would encounter less restraint. The *enticement* to commit a sin to which a civil penalty is attached is therefore itself a civil crime, punishable by civil law, analogous to the case of someone who secretly enticed a family member to worship a god other than the God of the Bible, a crime punished by

the authorities (Deut. 13:6–11). The judges might use public flogging as a first-time penalty, and execution for the second infraction.

The question at hand, therefore, is this: To what extent is the practice of oppression or affliction a matter of civil jurisdiction? What is the responsibility of the civil government in suppressing economic oppression by means of its legal monopoly of violence? Furthermore, is an ecclesiastical court responsible in some way to step in and call a halt to economic oppression? Will the criteria used by ecclesiastical courts be different from those used by civil courts? Such questions have baffled Christian commentators for centuries.

F. Criteria of Oppression

What, precisely, are the criteria of economic oppression? The medieval scholastic theologians struggled long and hard with questions relating to the "just price," and "usurious loans." What is a "fair profit"? Without exception, the analytical attempts of the scholars failed to survive the test of applying the criteria. The late-medieval scholastic theologians actually defined the "just price" as the *competitive market price*, as long as the market price was not the result of price fixing by public or monopolistic concerns."[23]

The same problem disrupted the attempts of the early New England Puritans to establish formal standards of economic justice. A famous instance was the trial of Capt. Robert Keayne, a Boston merchant, who was convicted in 1639 of having taken unjust profits on the sale of foreign commodities (specifically, above 50% in some instances, and above 100% in others).[24] The fine was set by the deputies (the "lower" court, or lower chamber of the legislature-court of the Massachusetts Bay Colony) at 200 pounds; the magistrates ("upper" court) reduced it to 100 pounds.

He was punished, Gov. Winthrop argued, because the colony's leaders were determined to take action. "For the cry of the country

23. Marjorie Grice-Hutchinson, *The School of Salamanca: Readings in Spanish Monetary Theory, 1544–1605* (Oxford: The Clarendon Press, 1952); Joseph Schumpeter, *History of Economic Analysis* (New York: Oxford University Press, 1954), pp. 98–99; Raymond de Roover, "The Concept of the Just Price: Theory and Economic Policy," *Journal of Economic History*, XVIII (1958), pp. 418–34; Murray N. Rothbard, "Late Medieval Origins of Free Market Economic Thought," *Journal of Christian Reconstruction*, II (Summer 1975); Alejandro A. Chafuen, *Christians for Freedom: Late-Scholastic Economics* (San Francisco: Ignatius, 1986), ch. 7.

24. The account of his conviction is found in the diary of Gov. John Winthrop: *Winthrop's Journal: "History of New England," 1630–1649*, ed. J. Franklin Jamison, 2 vols. (New York: Charles Scribner's Sons, [1908] 1966), I, pp. 315–16.

was so great against oppression, and some of the elders and magistrates had declared such detestation of the corrupt practice of this man (which was the more observable, because he was wealthy and sold dearer than most other tradesmen, and for that he was of ill report for the like covetous practice in England, that incensed the deputies very much against him)." The politics of envy seems to have been in full force against Capt. Keayne. Gov. Winthrop's five-point explanation of why the magistrates showed leniency to him is revealing, especially the fifth: (1) because there was no law on the statute books prohibiting his rate of profit; (2) because merchants all over the world raised prices when market conditions allowed them to do so; (3) because he was not alone in this fault; (4) because all men throughout the colony were guilty of "like excess in prices" in the sale of cattle, corn, and labor; and (5) "Because a certain rule could not be found out for an equal rate between buyer and seller, though much labor had been bestowed in it, and divers laws had been made, which, upon experience, were repealed, as being neither safe nor equal."[25]

The Colony had passed and repealed just price and maximum wage laws on numerous occasions during its first decade (1630–39), without being able to solve the theological and economic problem of defining economic injustice.[26] After 1676, the legislators capitulated: there was virtually no "just price" legislation in Massachusetts for a century, until the American Revolution's wartime controls.[27]

The decision to specify a maximum price or rate of profit as universally evil is clearly arbitrary. Legislators, judges, and defendants all can point to "special circumstances" that supposedly justify or invalidate the charge of economic oppression in any specific instance. By what specific, authoritative, predictable, and generally agreed-upon standard can the civil or ecclesiastical authorities render judgment? This is the problem of *formal law:* the establishment of a written standard relating to ethics which does not rest on some appeal to external circumstances (as interpreted by the judges) or human conscience.

In the case of voluntary economic transactions, the Bible gives no specific guidelines as to what constitutes economic oppression,

25. *Ibid.*, I, p. 316.

26. See Gary North, "Medieval Economics in Puritan New England, 1630–1660," *Journal of Christian Reconstruction*, V (Winter 1978–79), pp. 171–77.

27. Gary North, "From Medieval Economics to Indecisive Pietism: Second-Generation Preaching in New England, 1661–1690," *ibid.*, VI (Summer 1979), pp. 165–70. See also North, *Puritan Economic Experiments* (Tyler, Texas: Institute for Christian Economics, 1988), pp. 35–39.

apart from oppression in the form of commands to perform a civil crime (e.g., adultery). There are laws that prohibit false weights and measures or other crimes involving fraud, but these are general rules for the whole population. They are not laws designed specifically to protect widows, the fatherless, and strangers. Apart from the law regarding weights and measures, *the Bible does not authorize legislation or court decisions against perceived cases of economic oppression*.[28] There are no biblical (or economic) guidelines that define "price gouging" or "rent-racking," or similar unpopular practices. The attempt of governors and judges, whether civil or ecclesiastical, to go beyond the enforcement of specific laws against fraud is necessarily an expansion of arbitrary rule. Legal predictability suffers, and therefore human freedom also suffers. The power-seeking state expands at the expense of individual freedom.

This is not to argue that such evil economic practices do not exist. No doubt they do exist. The question is: What, if anything, is the civil government or a church court supposed to do in any formal case of alleged oppression? The problem that freedom-seeking Christian societies must deal with is the preservation of the judicial conditions necessary for maintaining personal liberty. How can a society avoid oppression by unjust civil magistrates if the legal system offers great latitude for civil judges to define arbitrarily and retroactively what constitutes an economic crime? Civil government is a God-ordained monopoly of violence. Allow arbitrary and unpredictable power here, and the entire society can be placed under the bondage of oppressors—oppressors who legally wield instruments of physical punishment. In contrast, economic oppression is an individual act by a specific person against a handful of people locally. It is a temporary phenomenon, limited at the very least by the continuing wealth of the oppressor, the continuing poverty of the victims, and the lifespans of both the oppressor and the oppressed. There are no comparably effective restraints on oppression by those who control the administration of civil justice. Society-wide, monopolistic, state-enforced sin is generally a far greater threat to potential victims of oppression than localized, privately financed sin.

Despite this limitation on the sanctions that can be legitimately imposed by the civil government, individuals are warned against oppressing the weak. Men are told in this passage that God will make

28. The laws requiring gleaning and prohibiting interest-bearing charitable loans to fellow Hebrews had no civil penalty attached to them.

widows of their wives if they are themselves oppressors. The *lex talionis* principle of "eye for eye" undergirds the principle of doing unto others what you would have others do unto you and your family. God, not the civil government, knows men's hearts. God is the Enforcer.

Judges possess lawful authority to impose sanctions against law-breakers. Civil magistrates possess a legal monopoly of violence. Ecclesiastical authorities possess the lawful authority to keep covenant-breaking people from lawfully partaking of the sacraments. Because they possess these monopoly grants of power—monopolies granted by God (Rom. 13:1–7)—judges must be restrained by law from acting arbitrarily, in order to avoid widespread, monopolistic oppression (Isa. 1). In short, "oppression" is not a monopoly of private individuals; it is also a temptation open to men who hold the office of judge. Indeed, the ability to oppress the defenseless is far easier for a judge, for he possesses a God-ordained monopoly of power, or at least an "oligopoly" of power (because men can usually appeal to other judges). Nevertheless, each participant in a voluntary transaction must take care not to exercise his civil or institutional freedom to the detriment of the defenseless, and ultimately to the detriment of himself and his own family.

G. Defending the Institutionally Defenseless

The Bible singles out three representative groups as being uniquely defenseless: widows, the fatherless, and strangers. Strangers in the Hebrew commonwealth were politically at the mercy of the rulers and those citizens who were upheld judicially by the rulers. Widows and the fatherless were economically disadvantaged, having lost a reliable source of family income. The division of labor which prevails in a covenantal family unit had been broken by the death of the husband. The per capita productivity of the other members of the family normally drops under such circumstances because of a reduction in the family's division of labor. Thus, the biblical concept of oppression encompasses both forms of weakness, political and economic. The weak are not to be afflicted. They are not like Esau, who was in a position of presumed defenselessness only because of a flaw in his character.[29]

All three disadvantaged groups were entitled in Old Testament times to their portion of the feast of weeks and the feast of tabernacles (so were the landless Levites: Deut. 16:11, 14), as well as to the third-

29. North, *Sovereignty and Dominion*, ch. 26.

year tithe (Deut. 14:28–29).[30] These injunctions would have been enforced by the priests.

1. Positive Injunctions

To protect these groups, biblical law imposes morally mandatory forms of charitable giving on the part of neighbors. But there is no civil sanction attached to this moral obligation. Biblical civil law does not compel people to do good things for others; it imposes sanctions on those who do evil things to others. Biblical civil law is therefore a barrier to the creation of a state-funded, state-mandated welfare system.

Interest payments (usury) are prohibited in the case of a morally obligatory loan to a poor brother in the faith.[31] Thus, because usury—defined very strictly in the Bible as a *charitable* loan with an interest payment attached—is prohibited, the oppressed victim can sue a lender in a civil court and recover double damages upon the lender's conviction, meaning twice the judicially prohibited interest payment. Such a lawsuit is legitimate because there are civil sanctions against specified activities. What the state cannot lawfully do is compel lenders to make charitable loans. God is the enforcer in this instance. He brings *positive sanctions* to those who obey His *positive injunction*. "Beware that there be not a thought in thy wicked heart, saying, The seventh year, the year of release, is at hand; and thine eye be evil against thy poor brother, and thou givest him nought; and he cry unto the LORD against thee, and it be sin unto thee. Thou shalt surely give him, and thine heart shall not be grieved when thou givest unto him: because that for this thing the LORD thy God shall bless thee in all thy works, and in all that thou puttest thine hand unto" (Deut. 15:9–10). The state is not authorized by God to bring positive sanctions.

It is not lawful to ask for the cloak of a widow as collateral (Deut. 24:17), but it is legal to ask for a cloak as collateral from a poverty-stricken Hebrew man (Ex. 22:26).[32] The Bible recognizes degrees of vulnerability and degrees of responsibility. Farmers are told to permit strangers, widows, and the fatherless to glean the fallen fruit and unharvested corners of their fields (Lev. 19:9–10;[33] Deut. 24:19–21[34]), but being a positive injunction, it is not a judicially enforceable law

30. North, *Inheritance and Dominion*, ch. 35.

31. On the other hand, usury is permitted in loans to religious strangers (Deut. 23:20). *Ibid*., ch. 57.

32. Chapter 49:C

33. North, *Boundaries and Dominion*, ch. 11.

34. North, *Inheritance and Dominion*, ch. 62.

in civil court. Because this is a moral injunction, religious leaders can advise people to obey God. A church court cannot lawfully impose physical sanctions, but it can teach people to obey God's positive injunctions. Can it also legitimately impose the sanction of excommunication against those who are morally stiffnecked? Biblical law places great restrictions on those who bear the sword, but what about church discipline? The same rule seems to bind an ecclesiastical court: no arbitrary law enforcement. There have to be written rules, or at least known rules that are predictable. Men need to govern their actions in terms of their expectations regarding the decisions of courts, including church courts.

If the mark of the messianic state is arbitrary law, what of the church? The threat is far less. First, the state controls everyone within a geographical territory. The church does not. Second, there are competing churches locally; there are not competing civil governments, at least not in the same sense. Third, the state taxes people by force; the church does not. Fourth, the state inflicts physical punishment; the church does not. Thus, moral persuasion is far safer in the hands of a church court than a civil court. But the problem still remains: What is to restrain the judges in a church court? What is to make their decisions predictable? I can see only one answer: predictable written law, including case law precedents, announced in advance. Without this, the rule of moral persuasion must serve as the church's tool of discipline. The church is not to enforce God's positive injunctions apart from the specifics of Bible-revealed law.

The reason given to the Israelites for these morally (but not judicially) *mandatory* forms of *individual* charity—the state, it must be stressed, is not God's authorized agency of charitable wealth redistribution—was straightforward: God had delivered the Hebrews from bondage and oppression, and their acts of charity were to serve as reminders and symbols of their *total dependence on God* for their wealth and freedom (Deut. 16:11–12; 24:22). To oppress the weak, therefore, is equivalent to throwing off the covenant, reproaching God, and returning to the bondage of sin: "He that oppresseth the poor reproacheth his Maker: but he that honoreth him hath mercy on the poor" (Prov. 14:31). Isaiah charged the rulers of the land with just this crime: refusing to render lawful judgment to the widows and the fatherless (Isa. 1:23). Judah's rulers had become oppressors.

The decline of charitable giving is one sign of an increase in economic oppression within a society. The law of gleaning and the law of

the tithe are to be upheld by ecclesiastical law. There is no New Testament evidence that either tithing or gleaning has been abolished as a moral and ecclesiastical requirement. Gifts to the poor, we are told, are made to God, and He promises to repay them (Prov. 19:17). He brings positive sanctions to those who obey His positive injunctions. He leaves to the priests the task of imposing moral sanctions for His positive injunctions. For example, the church enforces the tithe, and it grants a positive sanction to those who pay: the right of voting membership. The church also supports poor widows when relatives cannot or refuse to do so (I Tim. 5:3–10). It excommunicates relatives who can support widows but refuse, for they are worse than infidels (I Tim. 5:8).

2. Limited Knowledge

A voluntary exchange can be oppressive to a weaker party, biblically speaking, even though economic analysis does not provide the civil or ecclesiastical authorities the guideline, and therefore the ability, to render lawful judgment in specific cases. Why is the institutional government limited? Because there are *limits on the knowledge available* to observers of any economic transaction. Each party entered the transaction hoping to benefit. Sometimes men may cry "oppression" when they are secretly pleased with the bargain: "It is naught, it is naught, saith the buyer: but when he is gone his way, then he boasteth" (Prov. 20:14). No man can measure another man's subjective benefits; no man or committee of men can compare the gains of each party in a voluntary exchange.[35] But God can make such estimations, as Jesus demonstrated when He assessed the extent of the economic sacrifice of the widow who gave away her two "mites," or small coins (Luke 21:1–4).[36] The fact that the authorities are not omniscient does not relieve sharp bargainers from their obligation of being alert to the weak position of the defenseless, and to make adjustments in favor of the weak in their exchanges with them.

By not seeking maximum profits in such transactions, strong bargainers thereby grant a *non-humiliating form of charity*. A good bargainer always seeks to guess what the other man is willing and able to *pay*. If he is confident in his ability to make this exceedingly difficult estimation, then he should have comparable confidence in his ability to make an estimation of how much the other, weaker bargainer may *need*.

35. North, *Sovereignty and Dominion*, ch. 5.

36. Gary North, *Treasure and Dominion: An Economic Commentary on Luke*, 2nd ed. (Dallas, Georgia: Point Five Press, [2000] 2012), ch. 50.

H. Biblical Law or Revolution

The quest for a zero-oppression society in history is demonic. It implicitly denies that mankind is burdened by sin and the effects of sin throughout history.

1. The Question of Sovereignty

When we ask questions regarding the proper means of bringing healing to social relations and institutions, we need to be clear about the fundamental question of sovereignty. Who is to heal man in history, God or the state? This raises the question of the Messiah. Who is this Messiah, Jesus Christ or the state? Who are the Messiah's chosen representatives? What are the Messiah's designated means of achieving this reduction of oppression: biblical law or violent revolution? What is the goal of this social quest: the kingdom of God or the kingdom of man? Is this goal of perfection to be approached as a limit in a historically sin-filled world, or to be achieved in history by a scientific program of remaking man? As Rushdoony warned: "There is thus a dimension of victory in history, Jesus Christ. The alternative plan of victory is social science, and history as a social science. This means the totalitarian socialist state, the world of *1984*. For the Christian this is rather the dimension of hell, not of victory; . . ."[37]

Those who proclaim the legitimacy of such a quest apart from the preaching of the gospel and the extension of biblical law into every area of life want to lodge absolute sovereignty in the centralized "scientific" state. They begin their quest with the presupposition that there is no God who applies visible sanctions in history, either blessings or cursings. If there is a God, they assume, He reveals Himself only at the final judgment, and few of them assume that there will be even a final judgment. He is a God outside of history, they believe. This was exactly what the Pharaoh of the oppression assumed, as did the Pharaoh of the exodus. "Who is the LORD, that I should obey his voice to let Israel go?" he asked rhetorically (Ex. 5:2). Similarly, Nebuchadnezzar rhetorically asked the three Hebrew youths: "Who is that God that shall deliver you out of my hands?" (Dan. 3:15b). Pride goeth before destruction (Prov. 16:18), and pride before God is the ultimate form of pride. These kings in their rebellion had become opponents of covenant theology, which teaches that God imposes visible sanctions in history.[38]

37. R. J. Rushdoony, *The Biblical Philosophy of History* (Vallecito, California: Ross House, [1969] 2000), p. 21.

38. Sutton, *That You May Prosper*, ch. 4.

2. Christians vs. the Covenant

One reason for the growth of (1) private oppression, (2) messianic movements against private oppression, and (3) statist tyranny in the name of relieving oppression is that Christians in the twentieth century for the most part accepted implicitly the anti-covenantal view of God that is proclaimed by the humanistic defenders of the messianic state. Most Christians believe that historical affairs will get progressively worse and worse for righteous people until Jesus comes again, either to establish a bureaucratically enforced millennium in which He will rule from the top in person (premillennialism), or to impose the final judgment (amillennialism). Such a view of God in pre-Second Coming history agrees with the pessimistic conclusions of humanists and liberation theologians who say that God does not reveal Himself in history.[39]

Christian eschatological pessimists do admit one minor exception to the absence of God's covenant sanctions in history: representative acts of voluntary private charity by Christians that do assist a handful of people to survive a little longer or in a little more comfort. Prior to the collapse of the Soviet Union in 1991, liberation theologians also admitted an exception: representative acts of revolutionary violence against the innately oppressive social institutions of capitalist society. Nevertheless, both groups are agreed: God will not redeem society through His church's preaching of the gospel and the extension of Bible-revealed law enforcement across the face of the earth. They are agreed that God will not impose in history His dual sanctions of external blessings for covenant-keepers and external cursings for covenant-breakers. They are agreed that the Old Testament civil covenant of God is irrelevant in New Testament times, and therefore God's sanctions in history are today either nonexistent or confined exclusively to the hearts and minds of men. They insist that the visible authority of God's law and His church is steadily removed from history, and His kingdom is steadily shoved into the historically impotent realm of undefinable spirit.[40]

39. Gary North, *Millennialism and Social Theory* (Tyler, Texas: Institute for Christian Economics, 1990), ch. 4.

40. God will be victorious in history, premillennialists claim, only when He returns physically in awesome power to judge the nations in history for a thousand years. But this is the direct imposition of judgment; it is not based on representative judgment in history by God's elect people in His name, while He is in heaven and His people are on earth. This rulership only takes place after the church—meaning you and I—are physically dead and gone. Premillennialists and amillennialists are agreed: the church is

Such a view of God is implicitly or explicitly a denial of both the creation and the resurrection. This view leads to a world-denying pietism. Rushdoony pointed to the anti-pietistic implications of covenant theology.

> The purpose of Biblical history is to trace the victory of Jesus Christ. That victory is not merely spiritual; it is also historical. Creation, man, and man's body, all move in terms of a glorious destiny for which the whole creation groans and travails as it awaits the fulness of that glorious liberty of the sons of God (Rom. 8:18–23). The victory is historical and eschatological, and it is not the rejection of creation but its fulfilment.
>
> This victory was set forth in the resurrection of Jesus Christ, Who destroyed the power of sin and death and emerged victorious from the grave. As St. Paul emphasized in I Corinthians 15, this victory is the victory of all believers. Christ is the firstfruit, the beginning, the alpha and omega of the life of the saints. Had Christ merely arisen as a spirit from the grave, it would have signified His lordship over the world of spirit but His surrender of matter and history. But by His physical resurrection, by His rising again in the same body with which He was crucified, He set forth His lordship over creation and over history. The world of history will see Christ's triumph and the triumph of His saints, His church, and His kingdom. History will not end in tribulation and disaster: it will see the triumph of the people of God and the manifestation of Christian order from pole to pole before Christ comes again. The doctrine of the resurrection is thus a cornerstone of the Biblical dimension of victory.
>
> The doctrine of the resurrection, however, does not last long in any church or philosophy which surrenders or compromises the doctrine of creation. Creationism asserts that the world is the creative act of the triune God, Who made it wholly good. Sin is a perversion of man and a deformation of creation. The goal of the Messianic purpose of history is the "restitution of all things" (Acts 3:21), their fulfilment in Jesus Christ, first in time and then in eternity.[41]

Because modern Christians have abandoned the biblical doctrine of the six-day creation, they have failed to understand the biblical doctrine of God's providential control over history in terms of His covenant. Because the vast majority of the handful of scientists who

---

impotent in history to change history through the preaching of the gospel and through covenantal faithfulness to God's law. As dispensationalists House and Ice insist: "Because the Bible speaks of things progressing from 'bad to worse,' of men 'deceiving and being deceived' (2 Timothy 3:13), we look out at our world and see how bad things really are. . . . Common grace is on the decline, especially God's restraint of evil. This accounts for the rising apostasy and the decline of Christianity. North is wrong and Van Til [an amillennialist] is right on this issue." House and Ice, *Dominion Theology*, p. 183.

41. Rushdoony, *Biblical Philosophy of History*, pp. 19–20.

teach the six-day creation have been either premillennialists or amillennialists, their defense of creationism has been based on humanistic science's theory of entropy (the second law of thermodynamics), which rests on the inescapability of God's curse of the cosmos in Genesis 3:17–19, rather than the doctrine of Christ's definitive restoration of all things by His resurrection, and the progressive (though imperfect) restoration of the pre-Fall world through the power of the Holy Spirit and the extension of biblical law. Thus, modern Bible-affirming Christians have found it difficult to refute by an appeal to the Bible the modern messianic quest for socialistic perfection[42]. They cannot successfully defend the idea of the free market economy as an institutional manifestation of the fourth point of the biblical covenant, the principle of judgment-sanctions: blessing and cursing, profit and loss.[43]

I. The Free Market's Auction Process

The pricing principle enunciated by the villain in Frank Norris' early twentieth-century, anti-capitalist novel, *The Octopus*, is a morally valid principle for commercial transactions: "All the traffic will bear." At an auction, the highest-bidding buyer gets the sought-for asset. This principle reigns at every auction: *the high bid wins*. Yet, there is hardly any principle of capitalism that is more hated and more criticized than this one. The only one that receives greater criticism is the free market principle of the legitimacy of economic inequality, especially inequality of inheritance at birth. But the right (legal immunity) of unequal inheritance is the legal manifestation of point five of the biblical covenant, inheritance-disinheritance.[44] In short, capitalism is hated because visible institutional manifestations of God's covenant are hated.

The free market economic system is essentially a giant auction. If potential buyers at an auction were repeatedly frustrated when low-bidding competitors were favored by the auctioneer, it would eventually destroy the auction. Similarly, if sellers of goods and services in a free market economy were unwilling to honor this principle of "high bid wins" *most of the time* (though not necessarily in every case), they would destroy the market as an institution for produc-

42. Gary North, *Is the World Running Down? Crisis in the Christian Worldview* (Tyler, Texas: Institute for Christian Economics, 1988).

43. Gary North, *Inherit the Earth: Biblical Blueprints for Economics* (Ft. Worth, Texas: Dominion Press, 1987), ch. 9.

44. Sutton, *That You May Prosper*, ch. 5.

ing and allocating scarce economic resources. By refusing to honor the "high bid wins" principle, *sellers of goods* ("auctioneers") would thereby force potential *sellers of money* (buyers or "bidders") to search out another, less preferable system of allocating scarce economic resources. Alternatively, new sellers of goods and services would appear who would honor the auction principle of "high bid wins," and thereby recapture the buyers. In coercive societies, such alternatives are called black markets.

"All the traffic will bear" is simply another way of saying "the high bid wins." This arrangement benefits those customers who at any point in time are willing and able to pay the highest price offered by all known buyers. It also benefits all other customers—the "excluded buyers"—who learn the rules of the free market, and who can plan their own economic futures accordingly. They can enter other markets next time where they will be the highest bidders. The fact that some customers are excluded from ownership on any given day is the fact of scarcity: at zero price, there is greater demand for scarce economic resources than there is supply of those resources. Every economic system must face the fact of scarcity, not just capitalism.

"All the traffic will bear" is a rational response of sellers to competitive bids by all known buyers. It honors the principle of *customer authority*. When we affirm that sellers of goods and services have the right (legal immunity) to request "all the traffic will bear" from competing buyers (sellers of money), we are simultaneously saying that buyers have the right to make "the lowest bid possible.[45]" If the final bid for an item is one ounce of gold, the state should not insist that the buyer pay the seller two ounces of gold "because the seller deserves it," or because "stable markets for sellers is a benefit to the economy," which is precisely what civil governments do when they legislate tariffs, import quotas, and other monopoly-producing restraints on voluntary trade. "All the traffic will bear," "high bid wins," and "final bid wins" are three ways of expressing a single principle of market competition: the right (legal immunity) of free people to agree upon a familiar standard for conducting voluntary exchange.

45. It must also be understood that "sellers" are also buyers in every transaction. Each party gives up something in order to get something. But we normally do not speak of "sellers of goods and services" as "buyers of money." As "buyers of money," we all try to offer the lowest price (in goods and services) that we can get away with. Thus, we all make the lowest bid possible, and still get what we want: sometimes we make the lowest bid possible in money (when we are "buyers"), and sometimes we make the lowest bid possible in goods and services (when we are "sellers").

Civil and ecclesiastical governments should respect the lawful authority of men to operate in terms of this auction principle when making their voluntary exchanges. There is no way for judges to distinguish "oppressive" transactions from "just barely oppressive" transactions and "not quite oppressive" transactions by means of an appeal to percentages, such as 8% profit per sale or 15% profit on invested capital (both of which are at least 50% above the normal rate of before-tax profits in the United States).[46] To make lawful judicial decisions, judges need *moral constants;* but economic percentages change over time. Consider the question: "How much of anything should be universally illegal?" This question has baffled moral philosophers for millennia. Only in rare instances, such as the tithe of 10%, does the Bible give a specific answer to a question regarding a legal minimum percentage[47].

J. The Lawful Domain of Conscience

Conscience is a valid, though not exclusive, guide to individual action. It is *self-government* which regulates the overwhelming majority of all human actions. Men must not be burdened with unnecessary guilt, nor should they become libertines, sinning against themselves because some other agency of government is not authorized by God to step in and call a halt to their activities. The question is: What are the proper standards for men to use in determining whether or not a specific transaction is oppressive, biblically speaking?

The Bible mentions strangers, widows, the poor, and the fatherless as the representative examples of people who are easily exploited. In dealing with these people, what questions should the sharp bargainer ask himself? What kinds of offers would be innately immoral?

---

46. What is not understood by most Americans, as a poll taken annually by the Opinion Research Corporation reveals year after year, is that the average rate of net after-tax profit on sales in the United States is about 5% or less. See, for example, "Public Attitudes Toward Corporate Profits," *ORC Report to Management* (Aug. 1981). The average rate of before-tax profits on invested capital (excluding banks and savings & loan associations) is around 10%. In 1964, the profit rate was about 16%. This figure declined steadily in the United States, 1964–80, corresponding to the coming of inflation and the vast expansion of the welfare state. After taxes, of course, it is substantially less. See Dale N. Allman, "The Decline in Business Profitability: A Disaggregated Analysis," *Economic Review*, Federal Reserve Bank of Kansas City (Jan. 1983). Employee compensation varies between 85% and 90% of after-tax business income, year after year.

47. Then the experts debate over the question, "10% of what?" They also debate: "Does the Bible require a third-year additional tithe?"

1. An Immoral or Illegal Act

The request that the economically weaker party perform an immoral or illegal act is a form of oppression. The civil government can enforce sanctions against anyone who entices another person into illegal acts, but enticement is both difficult and expensive to prove in a court of law. Nevertheless, no such enticement is legitimate, for the charge will be easy to prove in God's court of law on judgment day.

2. Forestalling

Forestalling is the act of holding goods off the market in order to drive up the price. "He that withholdeth corn, the people shall curse him: but blessing shall be upon the head of him that selleth it" (Prov. 11:26).[48] It should be noted that the people will curse the forestaller, but the state is not authorized in the Bible to be a price-setting agency or a confiscating agent "in the name of the people." Also, it is God, not the state, who is the rewarder of those who sell.

The man who is criticized here for holding the corn off the market in expectation of a higher price is obviously holding back *sufficient quantities of food to make a difference in price in the market*. There is no implication in this passage that someone who buys food for his own use, who has a refrigerator full of food or a freezer full of beef, is in some way an exploiter. (This is not a hypothetical argument on my part. Ronald J. Sider has criticized Christians who eat beef because it takes twice as much grain to produce the same quantity of protein in a steer as in a chicken. Christians should eat more chicken, he says. This is a moral imperative, he says.[49] His vegetarian socialist peers no doubt would regard this as a woefully weak argument, smacking—perhaps even lip-smacking—of capitalist exploitation.) The exploiter is a person who is holding back the sale of a great deal of food—so much, in fact, that the market price would be affected if he brought it to market. Not many farmers or sellers have this much food at their disposal, given the huge size of the international grain markets. This is one of the strongest arguments in favor of free markets and against tariffs and import quotas of any kind: *economic freedom reduces the possibility of successful local or regional forestalling*.

In a godly society, no honest man curses the entrepreneur (risk-tak-

48. Gary North, *Wisdom and Dominion: An Economic Commentary on Proverbs* (Dallas, Georgia: Point Five Press, 2012), ch. 32.

49. Ronald J. Sider, *Rich Christians in an Age of Hunger: A Biblical Study* (Downers Grove, Illinois: Inter-Varsity Press, 1977), p. 43.

ing forecaster) who "buys low" during the bounty of the harvest and plans to "sell high" in the winter. Rational people understand, for example, that fruits and vegetables in the off-season are more expensive: supplies are limited, and they must be imported. Distant sellers must be lured into the local market through the hope of receiving higher prices for their produce than they can receive locally. In short, *someone* has to store the food, harvest season through off-season; few users have the storage facilities. The economic function of allocating food across the seasons and across regions has to be performed by someone.

Profit-seeking (uncertainty-bearing) entrepreneurs are the most responsible, least bureaucratic people for this task.[50] Why? Because if they guess wrong, they lose. If they charge too little, they run out of food before they run out of buyers. They lose sales that they could have made, and therefore they lose money. On the other hand, if they charge too much, they lure in competitors who take away potential buyers and leave them sitting on a lot of unsold food. They lose sales that they could have made, and therefore they lose money. Conclusion: they have an economic incentive not to overcharge or undercharge the customers.

3. A Government-Enforced Monopoly

Any offer that lacks a competitive alternative offer because of *interference by the civil government in the market* is potentially immoral, unless the civil authorities are regulating the market as a "public utility." Even if they are regulating the market in the name of the customer, such a monopoly may still be exploitative, for collusion between the regulators and the regulated is not only possible, it is predictable.[51] If

50. North, *Sovereignty and Dominion*, ch. 32: "The Entrepreneurial Function."

51. This is understood by representatives of the far left wing of American politics: e.g., Gabriel Kolko, *The Triumph of Conservatism: A Reinterpretation of American History, 1900–1916* (New York: The Free Press of Glencoe, 1963); Robert C. Fellmeth, *The Interstate Commerce Commission: The Public Interest and the ICC*, The Ralph Nader Study Group Report on the ICC (New York: Grossman Publishers, 1970). It is also recognized by free market economists: e.g., Milton Friedman, *Capitalism and Freedom* (Chicago: University of Chicago Press, 1962), ch. 9: "Occupational Licensure"; Friedman, *Free to Choose* (New York: Harcourt Brace Jovanovich, 1980), ch. 7: "Who Protects the Consumer?"; Mary Bennett Peterson, *The Regulated Consumer* (Ottowa, Illinois: Green Hill Publishers, 1971); Thomas Gale Moore, *Trucking Regulation: Lessons from Europe* (Washington, D.C.: American Enterprise Institute-Hoover Institution, 1976); Yale Brozen, *Is Government the Source of Monopoly? and Other Essays* (San Francisco: Cato Institute, 1980); Harold Flemming, *Ten Thousand Commandments: A Story of the Antitrust Laws* (New York: Prentice-Hall, 1951).

the seller of a good or service is protected by the judges from other competitors who might otherwise enter the market and make the buyer a better (lower price) offer, then the seller is oppressing the buyer. He may not have approved of this legislation or judicial interpretation, but he is now the beneficiary. If such restrictive legislation is in force, then the seller must do his best to sell his product or service to the buyer at a price that would prevail if there were open competition.

The problem, of course, is that *in the absence of a free market, no one can really be sure just what such a free market price might be*.[52] Without the information made available through market competition, buyers and sellers are left without reliable indicators of the true conditions of supply and demand.[53] Moral decisions concerning "fair" pricing are therefore made more difficult—more expensive to solve—by the state's interference with the flow of economic information. The prevailing price in a government-regulated market raises moral questions concerning fairness precisely because it is not a competitive market price. Moral dilemmas for honest sellers are created by the state's interference because this interference creates opportunities for sellers to extract monopoly profits from buyers. The "non-monopoly" price can only be guessed at by judges, buyers, and sellers.

4. Better Information

The economically stronger party in a transaction may have better information at his disposal. How much of this is he morally required to give to the economically weaker seller? If he asks a lower price, then he is, economically speaking, transferring the value of his information to the other party in the exchange.

The civil government should not compel the transfer of such information. If such a law were passed, it would inhibit the quest for better information on the part of all participants, which would eventually harm all people in the society.[54] Besides, judges would face that age-old problem, defining exactly *how much* of his information the economically stronger seller (or buyer) is required to give up to the

52. Ludwig von Mises, "Economic Calculation in the Socialist Commonwealth" (1920), in F. A. Hayek (ed.), *Collectivist Economic Planning* (London: Routledge & Kegan Paul, [1935] 1963). Cf. T. J. B. Hoff, *Economic Calculation in the Socialist Society* (London: Hodge, 1949); Hayek, *Individualism and Economic Order* (Chicago: University of Chicago Press, 1948), chaps. 7–9.

53. Thomas Sowell, *Knowledge and Decisions* (New York: Basic Books, 1980), ch. 8.

54. Gary North, "Exploitation and Knowledge," *The Freeman* (Jan. 1982).

other person before a voluntary exchange is legal. For that matter, how can the economically stronger party be precisely determined? The question, "How much stronger?" is closely related to the other question, "How much information?"[55]

What governing principle does the Bible offer to the individual conscience? If the economically weaker party would be able to locate someone who would make a better offer if it were not for the particular circumstance—pressures on a widow or orphan, legal discrimination against a stranger, etc.—then the economically stronger party should offer a price comparable to what the person might reasonably expect to receive. A person who finds "a pearl of great price" on another person's property has a moral right to sell what he has and offer to buy that property in order to get ownership of the pearl (Matt. 13:44).

But what if the seller is blind, and would never have had an opportunity to find that pearl? There is no explicit biblical law here, but the discoverer should remember that God is not blind. The buyer of the field might choose to give, say, half of the net profits in the transaction to the economically weaker party, in order to avoid inflicting economic oppression. (Again, there are no fixed rules available to us, but a 50-50 split is a good operating principle.) Nevertheless, the Bible is silent with respect to any state prohibition against such a transaction, either retroactively or in advance. To write a legal code that would attempt to cover every similar transaction would become a nightmare of confusion and uncontrolled state power in a short period of time. The behavior of monopolistic bureaucrats is not noticeably superior to profit-seeking buyers of hidden pearls. At least such oppression by private entrepreneurs is not subsidized by the taxpayers.

There are those who deny the legitimacy of a "pearl of great price" type of transaction under any circumstances. They do not understand (or choose to deny) the inescapable fact of *man's lack of omniscience*. They assume, consciously or unconsciously, that accurate knowledge is (or ought to be) a zero-price resource—a resource that really ought to be available free of charge to all, either naturally or through the intervention of the state.

---

55. There are other questions, of course: "How much capital does each participant have in reserve?" "What are the living expenses that each participant incurs while he is waiting to complete the transaction?" "How much time does each participant have to complete the transaction?" "What are the transaction (exchange) costs incurred by each participant?"

K. The Pearl of Great Price

This kingdom parable is important for a proper understanding of entrepreneurship—*forecasting* the economic future and *efficient (low waste) planning* in terms of the forecast. Jesus said: "Again, the kingdom of heaven is like unto treasure hid in a field; the which when a man hath found, he hideth, and for joy thereof goeth and selleth all that he hath, and buyeth that field" (Matt. 13:44).[56]

1. The Shopper's Discovery

Consider what the buyer in this parable is doing. He stumbles across an important piece of information: there is a valuable treasure hidden in a field. He is not sure just who it was who hid it there, but now he knows where it is. He presumes that the person who hid it was not the present owner of the field.[57] He hides the treasure, and then goes out and sells everything he owns in order to buy the field. Notice that he does not steal the treasure. He is not a thief. He is simply the possessor of information.

He may have done some preliminary investigating, just to see if the present owner of the field is willing to sell it. Still, the present owner may change his mind before the sale is completed. Perhaps the owner may sell it at what he knows is a higher-than-normal market price, because he knows that the treasure has been left there by a vicious criminal who stole it. Perhaps the stolen treasure will be confiscated by the police and turned over to the victim, or the victim's insurance company, as soon as it appears on the market. It is even possible that the treasure is a fake: the owner may have placed a phony treasure on his land just to lure in some ecstatic discoverer.[58] The discoverer cannot be sure. But he takes a chance, meaning that he decides to bear some uncertainty in hope of economic profit. He sells what he owns and buys the field.

Now he owns the treasure. Assume that the police do not confiscate it, and some criminal does not return to collect it. The new owner did take advantage of a special situation: his knowledge of this trea-

56. Gary North, *Priorities and Dominion: An Economic Commentary on Matthew*, 2nd ed. (Dallas, Georgia: Point Five Press, [2000] 2012), ch. 31.

57. If the owner of the field hid the treasure, then before he sells it, he will go and search for it. When he does not find it, he can report it lost to the authorities. At that point, the discoverer is required by biblical law to return it to the owner (Ex. 23:4). The Bible does not teach "finders-keepers, losers-weepers."

58. In the gold rush days of the American West, mine owners would sometimes place grains of gold in a shotgun and fire at one of the mine's walls. This was called "salting a mine," and buyers could be lured into paying a high price for the mine, in order to profit from the perceived ignorance of the seller.

sure in his newly purchased field. He took a risk and sold everything. Now he has his reward. He has benefitted himself, and he has given the original owner of the field all that he asked for. If the treasure is worth selling, then someone who buys it will gain access to his heart's desire. Who loses?

Clearly, the original owner might have stumbled across that treasure. On the other hand, he might never have found it. Is it a moral obligation on the discoverer to run to the owner of the field and tell him? Jesus did not indicate that it was. The discoverer has a potentially valuable asset: information. He lacks ownership of the field. The owner of the field also has a potentially valuable asset: title to the treasure. But he lacks knowledge of its presence on his property. Each man possesses something of potential value, but neither man can make personal use of his potential asset: the owner of the field has no knowledge of the pearl, and the man who knows where the pearl is has no economic incentive to make this knowledge public unless he owns the field. Society gets no use of it until the potential asset is translated through market exchange into a known asset. The *opportunity for profit* is what translates that potential asset into a marketable asset. The discoverer buys the field. In this way, potential assets become market assets.

The modern socialist is outraged at this parable. The entrepreneur (uncertainty-bearing forecaster) who discovered the treasure is seen by the socialist as immoral. First, the land he was on should have been owned by "the people" through the state. Second, he had no business being on the land, because he had no official papers entitling him to be on the state's property. Third, he should never have hidden the treasure again. It belonged to the state. Fourth, if the land was not yet the property of the state, then he should have notified the present owner of the field about the existence of this newly discovered treasure. Fifth, failing to do this much, he was immoral in making an offer to buy the field. He was really stealing from the owner of the field. Sixth, should he attempt to sell the treasure, the state ought to tax his profits at a minimum rate of 50%, and probably more. Seventh, if he refuses to sell, the state should impose a capital tax or property tax in order to force him to sell.

2. Socialists Resent Limitations

What the socialist-redistributionist objects to, in the final analysis, is *mankind's lack of omniscience*. The socialist believes, implicitly

or explicitly, that the economy should operate as smoothly, as efficiently, and as profit-free as a hypothetical economy in which each participant has equally good knowledge—perfect knowledge—as all other participants. Knowledge, in a "decent" social order, should be a zero-price resource, equally available to all, and equally acted upon by all. Socialist arguments implicitly assume that it is only the *temporary* existence of such factors as private property, personal greed, and people's willingness to exploit the poor, that has created a world of scarcity, profits, and losses. Knowledge concerning the future should be regarded as a free good, they implicitly assume. Profits are therefore evil, not to mention unnecessary, in a sound economy. This has been the underlying line of reasoning for centuries of all those who equate economic profits with exploitation.

Men are not omniscient. This angers the socialists. They strike out in wrath against the free market institutional order that encourages men to seek out better information, day by day, so that they might profit individually from its application in economic affairs. The socialists prefer to create legislative barriers that interfere with the operation of the market's "auction for information."

It should be clear why so little innovation takes place in socialist economies. The development—or rather, the lack of development—of commercial technology in the Soviet Union is a representative historical example.[59] Innovation is not a service that people normally offer free of charge to others. It involves creativity, capital, and the willingness to take risks. In a socialist commonwealth, the entrepreneur who is willing to bear uncertainty cannot legally receive payment for the full economic value to society—as determined by market forces—of his innovation. For entrepreneurs to receive full value for services rendered, the socialist commonwealth would have to abandon the collective ownership of the means of production-distribution.[60]

Those who discover treasures in "collectively owned" fields, meaning state-controlled and bureaucracy-administered fields, have these choices: (1) provide information, free of charge, of the treasure's

59. Antony Sutton's three-volume study of Soviet technology, 1917–1965, indicates that almost none of the Soviet Union's industrial technology (as distinguished from its military technology) originated in the U.S.S.R. Out of 75 different major technologies surveyed, the percentage of Soviet technology was zero, 1917–30, 10%, 1930–45, and 11%, 1945–65. "It should be emphasized that this is the most favorable interpretation possible of the empirical findings." Sutton, *Western Technology and Soviet Economic Development, 1945 to 1965* (Stanford, California: Hoover Institution Press, 1973), p. 370.

60. Svetozar Pejovich, "Liberman's Reforms and Property Rights in The Soviet Union," *Journal of Law and Economics*, XII (April 1969).

whereabouts to bureaucratic officials of the state; (2) say nothing and save themselves a lot of trouble; (3) work out an illegal deal with some official; or (4) steal the treasure. In the Soviet Union, predictably, the final three possibilities were the ones people choose; the first choice was simply not taken seriously as a sensible alternative.[61]

Conclusion

The Bible forbids economic oppression, but only vaguely defines it. Economic theory provides even fewer guidelines than the Bible. About all that economic theory can say is that when the threat of violence is imposed on someone, there is oppression. But violence must not be defined as a market participant's threat of refusing to trade with someone else, unless the violation of an existing contract is involved, or unless someone is being asked to commit a crime or immoral act. Sharp bargaining is not automatically considered oppressive, either in the Bible or economic theory.

Without specified infractions, it is very difficult to develop a system of civil law. The law must specify the action that is being prohibited. It must be sufficiently clear that juries can make judgments, and that their judgments can be predicted with better than 50-50 accuracy by most people, especially potential criminals. If the decisions of juries are random, then the law will not protect innocent people on a predictable basis. This means that civil law no longer serves its God-given purpose of providing social order.

Defining oppression clearly is very difficult. Oppression must be defined in such a way that the courts do not easily become tyrannical or arbitrary in their decisions. But, as I have said, a definition of economic oppression that is both equitable and tyranny-resistant when it is applied to a large number of cases over time has not yet been discovered. This is why economic oppression rarely can be legislated against without creating more harm than benefits for the potential victims of oppression. The legislation itself becomes a major source of oppression.[62] The medieval notion of the "just price" is one of the best examples of this problem in history, especially when interpreted centuries later by civil magistrates who were not familiar with the late-medieval Scholastic theologians' distrust of government price-fixing.

This points to the fact that human conscience must rule over all

61. Konstantin Simis, *USSR: The Corrupt Society* (New York: Simon & Schuster, 1982).
62. Chapter 50.

pricing decisions in voluntary exchanges, not because the individual conscience is in any way autonomous, but because *only God is legitimately sovereign over the minds of men*. He alone, not human authorities, can make accurate comparisons of interpersonal subjective utility. He alone knows precisely how much one person has benefitted from a transaction, and to what extent the magnitude of his gain was based on the defenselessness of the other participant in the exchange. Therefore, penalties against those who are suspected of acting oppressively in economic transactions—apart from those cases specified in Scripture—are not to be imposed by human institutional governments, precisely because omniscience is God's monopoly. This is why men can rest assured that God's penalties against cases of economic oppression are utterly certain and will be applied precisely by God, according to the magnitude of each oppressive act. *The self-governed individual under God*, not institutional governments, is the proper agent of earthly enforcement. If this human agent fails to render God-honoring judgment, then God will bring him under judgment.

The Bible does mandate certain forms of charity to relieve oppression, including morally mandatory interest-free loans to the deserving, covenanted poor, gleaning, and the prohibition against asking a widow for her cloak as collateral. But there are no specified penalties for violating these laws, and the civil government is not specified as the enforcing institution. In the case of hoarding goods in order to increase the market price of the particular good, the Bible says that the penalty is public censure: "He that withholdeth corn, the people shall curse him: but blessing shall be upon the head of him that selleth it" (Prov. 11:26).[63] The people can lawfully curse him, but no physical violence or fines are to be imposed on the culprit.

God is the Enforcer. He brings *judgment in history*. Because modern man refuses to acknowledge this, he seeks to become his own God by making the state an enforcer. He does not believe that God enters into the historical affairs of men to bring judgment. Because many Christians today have adopted this same "God is beyond history" theology—God as Judge only on the day of final judgment, or only during a future millennial reign of Christ in person—they have fallen into the same state-expanding worldview. They want an enforcer. More than this: they want a *near-omniscient* enforcer. But, in calling for such an enforcer, they are denying the very basis of civil freedom: civil law that is biblically specific as to what constitutes

63. North, *Wisdom and Dominion*, ch. 32.

illegal behavior, and biblically specific as to what constitutes appropriate punishment.

When such an enforcer is constructed by antinomian man, economic oppression will become universal.

Those who argue today that God's law does not and should not apply to all men have in mind the restraining aspects of civil law. Christians today insist, alongside the humanists, that God has not entrusted Christians with the responsibility of "telling other people how to live." Christians do not understand that biblical civil law never was intended to tell men how to live; it tells them how *not* to act in public. What modern antinomian Christians systematically ignore is this: if God's law does not restrain the stranger as well as the believer, it therefore does not protect either the stranger or the believer. Christians forget all about the protective benefits of God's civil law. They have implicitly accepted humanism's lie: that biblical law is inherently tyrannical, and that "true" humanist law is beneficent. (Problem: no one ever seems to be able to discover what this beneficent "true" humanist law is.)

Christians today hate the law of God as surely as the humanists do. They hate the idea of God's judgments in history. But God's judgments are always both positive and negative, blessings and cursings. Christians today much prefer to live under the negative civil sanctions of humanism and thereby forfeit the positive sanctions of God's law rather than suffer the embarrassment and personal responsibility of enforcing biblical law. The result is that Christians have become strangers in their own land.[64] And the astounding fact is this: they prefer it this way. It provides them with the psychologically necessary self-justification for their own cultural impotence.

64. Martin E. Marty, *Pilgrims in Their Own Land: 500 Years of Religion in America* (Boston: Little, Brown, 1984).

49

THE PROHIBITION AGAINST USURY

If thou lend money to any of my people that is poor by thee, thou shalt not be to him as an usurer, neither shalt thou lay upon him usury. If thou at all take thy neighbour's raiment to pledge, thou shalt deliver it unto him by that the sun goeth down: For that is his covering only, it is his raiment for his skin: wherein shall he sleep? And it shall come to pass, when he crieth unto me, that I will hear; for I am gracious.

EXODUS 22:25–27

The context of these verses indicates that they are an extension of the immediately preceding verses: "Thou shalt neither vex a stranger, nor oppress him; for ye were strangers in the land of Egypt. Ye shall not afflict any widow, or fatherless child. If thou afflict them in any wise, and they cry at all unto me, I will surely hear their cry; And my wrath shall wax hot, and I will kill you with the sword; and your wives shall be widows, and your children fatherless" (Ex. 22:21–24).[1] The general category of all these verses is affliction or oppression. In the first case, the law singles out a particular judicial category of victims: people without covenantal representation. In this case, the law singles out another class of potential victims: poor people. They, too, are vulnerable. They, too, deserve sympathy and protection—in this case, economic protection.

What is the category that links all of these people? Not their legal status, for the poor brother in Israel had full legal status, unlike the stranger in Exodus 22:21. There must be some other link. There is: their status as economically vulnerable. The presumption is that they share one thing in common with the previous three: *they are econom-*

1. Chapter 48.

ically vulnerable through no fault of their own. They are the "victims of circumstances" rather than the victims of their own evil behavior. The poor man here is presumed by God to be a sober, righteous person, not a drunk who drinks up his family's substance, and not a previous oppressor of the vulnerable who has now come under God's promised sanctions. The Bible is clear: *we are not to subsidize evil*. Charity that deliberately subsidizes visible moral evil or failure that is the product of moral failure is itself morally corrupt.

In Exodus 22:21–24, the theocentric principle is that God is the kinsman-redeemer. How we treat the judicially most vulnerable people in the commonwealth reflects our covenantal response to God. This identifies those who will and who will not act voluntarily as kinsmen-redeemers for the helpless. The issue in Exodus 22:21–24 is the legal status of the oppressed as covenantally unrepresented. Because the legal status of the poor Hebrew in Exodus 22:25–27 is different from the legal status of the widow, orphan, or resident alien, we need to search for some theocentric principle other than God as protector and judge, kinsman-redeemer and blood avenger.

A. God Is the Owner

Because this case law is tied directly to economics, the theocentric category must also be economic. The foundational biblical economic principle is always this one: *God is the owner of all the earth*. "The earth is the LORD's, and the fulness thereof; the world, and they that dwell therein" (Ps. 24:1).[2] "For every beast of the forest is mine, and the cattle upon a thousand hills" (Ps. 50:10).[3]

God delegates ownership to mankind in terms of a *leasehold contract*. Men deeply resent their position as subordinate stewards. They would rather become murderers than remain rent-payers. Because they cannot kill the true Owner, they seek to kill His lawful representative. Instead of collecting their rent in the Owner's name, his highest representative will collect their vengeance. This is the message of Jesus' parable of the vineyard.

> Hear another parable: There was a certain householder, which planted a vineyard, and hedged it round about, and digged a winepress in it, and built a tower, and let it out to husbandmen, and went into a far country: And when the time of the fruit drew near, he sent his servants to the hus-

2. Gary North, *Confidence and Dominion: An Economic Commentary on Psalms* (Dallas, Georgia: Point Five Press, 2012), ch. 5.
3. *Ibid*., ch. 10.

> bandmen, that they might receive the fruits of it. And the husbandmen took his servants, and beat one, and killed another, and stoned another. Again, he sent other servants more than the first: and they did unto them likewise. But last of all he sent unto them his son, saying, They will reverence my son. But when the husbandmen saw the son, they said among themselves, This is the heir; come, let us kill him, and let us seize on his inheritance (Matt. 21:33–38).[4]

God judges a person's attitude toward Him by judging his attitude toward His servants. Sometimes these servants are in positions of authority, as in the parable of the vineyard. Sometimes they are in positions of weakness (Matt. 25:34–40). A good steward must be obedient to those over him and merciful to those under him. God judges our performance as stewards in terms of this upward and downward covenantal responsibility.

This brings us to the topic at hand: the prohibition of interest payments from a poor fellow believer. God establishes a rule with respect to loans to poor fellow believers: *no interest payment may be imposed on charity loans*. The lender who violates this law is violating the terms of God's leasehold arrangement.

B. God-Mandated Charity

By prohibiting an interest return on charitable loans, the Bible requires a form of charitable giving on the part of lenders, namely, the *forfeited use* of their present goods over the life of the loan. It is one of the very few examples in the Bible of God-required wealth redistribution.

What are the predictable results of such a moral (though not civil) law? When it is obeyed, there will be fewer loans available for other kinds of investments, *other things remaining equal*. But God promises that things will not remain equal in such a society; things will get better. "For the LORD thy God blesseth thee, as he promised thee: and thou shalt lend unto many nations, but thou shalt not borrow; and thou shalt reign over many nations, but they shall not reign over thee" (Deut. 15:6).[5] So, there will be more wealth, and faithful commonwealths will have money to lend to foreigners—and at a profit. This distinguishes the biblical view of progressive history from the cy-

4. Gary North, *Priorities and Dominion: An Economic Commentary on Matthew*, 2nd ed. (Dallas, Georgia: Point Five Press, [2000] 2012), ch. 43.

5. Gary North, *Inheritance and Dominion: An Economic Commentary on Deuteronomy*, 2nd ed. (Dallas, Georgia: Point Five Press, [1999] 2012), ch. 36.

clical classical Greek view. There is a covenantal relationship between obedience to God's revealed law and economic growth, something that the Greeks ignored or even denied.[6]

1. Disobeying This Law

People may choose not to obey God's directive, of course. Potential lenders can simply refuse to make loans to brothers in distress, and there is nothing in biblical law that allows the authorities to take any kind of legal action against them. Poor people can only appeal to a lender's conscience. Lenders can get around the prohibition in many ways, such as by unofficially requiring the borrower to perform some sort of service, or requiring the borrower to buy goods or services that the lender sells. Nevertheless, God's law is clear: all such subterfuges are immoral, and the victims will cry out to God, who will hear their complaints (Ex. 22:27).

Another product of this prohibition against usury would be political pressures from lenders in a money economy to reduce prices by reducing the money supply. If the money supply is stabilized, or even lowered, this will tend to reduce prices. Thus, a return of the same amount of gold, silver, or paper money will in effect grant lenders increased wealth. They can buy a greater quantity of goods and services when the loan is repaid. Should this political pressure fail to achieve its goal, and should monetary inflation continue, then lenders will prefer to loan goods rather than money, with repayment denominated in goods of equal quality. They will at least regain an equal quantity of goods that have appreciated in value (as denominated in the depreciating monetary units).

2. Loans to Christians

The prohibition on usury clearly and absolutely prohibits interest payments on all charitable loans to other Christians. This includes loans to churches and other non-profit institutions that come to Christians in the name of Christ. The church is not a business. The Christian who loans the church anything, at any time, for which he requires an extra amount in repayment, is violating the law against usury. Any leader in a church or charitable Christian organization who encourages Christians to make interest-bearing loans to it is involving its supporters in the sin of usury. This restriction on "church

6. As do premillennialists H. Wayne House and Thomas D. Ice: *Dominion Theology: Blessing or Curse?* (Portland, Oregon: Multnomah Press, 1988), ch. 8; cf. p. 183.

bonds" is almost universally ignored by denominational leaders today. They ignore the prohibition against usury. The Bible is clear on this point: usury is a terrible crime (Jer. 15:10). The prophet Ezekiel announced that it is actually a capital crime in the eyes of God, and will not go unpunished (Ezek. 18:8–9,[7] 13). Yet church and Christian school leaders in almost every denomination can be found offering "Christian stewardship" (usury) contracts to their people. They come in the name of charitable, kingdom-building projects and promise to pay interest.[8]

A church may lawfully request a loan from a bank or other thrift institution. This is unwise, given the fact that the borrower is servant to the lender (Prov. 22:7).[9] Nevertheless, the bank is not wrong in taking an interest return from a church. The bank is not a Christian. It is not a member of a church. It does not face damnation or salvation. The church does not approach it in the name of Jesus, or with the promise of future rewards in heaven. The bank is strictly a commercial lending institution. The bank is the agent of depositors of all religious faiths.

But is the zero-interest loan exclusively a charitable loan? Some expositors deny this.[10] We need to examine the biblical texts to learn the truth.

C. Charitable Loans

The text is clear: "If thou lend money to any of my people that is poor by thee, thou shalt not be to him as an usurer, neither shalt thou lay upon him usury" (v. 25). This verse does not compel a person to make a loan to the poor person, but if the lender decides to make such a loan, he may not ask the recipient to pay interest. The text in Leviticus 25, the chapter on the jubilee year, is equally clear: "And if thy brother be waxen poor, and fallen in decay with thee; then thou shalt relieve him: yea, though he be a stranger [*geyr*], or a sojourner [*to-shawb*]; that he may live with thee. Take thou no usury of him, or

7. Gary North, *Restoration and Dominion: An Economic Commentary on the Prophets* (Dallas, Georgia: Point Five Press, 2012), ch. 19.

8. Gary North, "Stewardship, Investment, and Usury: Financing the Kingdom of God," in R. J. Rushdoony, *The Institutes of Biblical Law* (Nutley, New Jersey: Craig Press, 1973), Appendix 3; reprinted also in Gary North, *An Introduction to Christian Economics* (Nutley, New Jersey: Craig Press, 1973), ch. 31.

9. Gary North, *Wisdom and Dominion: An Economic Commentary on Proverbs*, 2nd ed. (Dallas, Georgia: Point Five Press, [2007] 2012), ch. 66.

10. For example, S. C. Mooney, *Usury: Destroyer of Nations* (Warsaw, Ohio: Theopolis, 1988).

increase: but fear thy God; that thy brother may live with thee. Thou shalt not give him thy money upon usury, nor lend him thy victuals for increase" (Lev. 25:35–37).[11] It begins with the determining clause: "If thy brother be waxen poor."

1. Two Kinds of Strangers

The interpretation of the Leviticus 25 passage initially seems difficult because of the King James translation of Deuteronomy 23:20: "Unto a stranger [*nok-ree*] thou mayest lend upon usury; but unto thy brother thou shalt not lend upon usury: that the LORD thy God may bless thee in all that thou settest thine hand to in the land whither thou goest to possess it." We must begin with the presupposition that God's revealed law is not inconsistent. But here we have what appear to be two rules regarding the stranger: you may not lawfully charge the stranger interest, yet you may lawfully charge him interest. How can we reconcile these two statements?

The answer is that the Hebrew word used in Leviticus 25:35, transliterated *geyr* [*gare*], is not the same as the Hebrew word in Deuteronomy 23:20. Similarly, "sojourner" [*to-shawb*] is related to *yaw-shab*,[12] meaning "sit," and implying "remain," "settle," "dwell," or even "marry."[13] *To-shawb* therefore means *resident alien*. The stranger [*nok-ree*] referred to in Deuteronomy 23:20 was simply a foreigner.[14] Two different kinds of "stranger" are referred to in the two verses. Thus, if the resident alien was poor, and if he was willing to live in Israel under the terms of the civil covenant, then he was entitled to a special degree of civil legal protection. What was this legal protection? If he fell into poverty, he was not to be asked to pay interest on any loan that a richer man extended to him. With respect to usury, he was to be treated as a poverty-stricken Hebrew. Not so the foreigner.

The economic setting is clearly *the relief of the poor*. The recipient was any poor person who had fallen into poverty through no ethical fault of his own, and who was willing to remain under God's civil hierarchy.

---

11. Gary North, *Boundaries and Dominion: An Economic Commentary on Leviticus*, 2nd ed. (Dallas, Georgia: Point Five Press, [1994] 2012), ch. 28.

12. Strong's *Concordance*, Hebrew and Chaldee Dictionary, p. 123.

13. *Ibid.*, p. 52.

14. This is the translation given in the Revised Standard Version, the New American Standard Bible, and the New International Version. The alien and the sojourner were equivalents judicially in Old Covenant law. The NIV translates Leviticus 25:35 as "an alien or a temporary resident."

There is a parallel passage in Deuteronomy 15. Deuteronomy 15 lists the economic laws governing Israel's national sabbatical year. In this national year of release, the text literally says, all debts *to neighbors* are to be forgiven: "At the end of every seven years thou shalt make a release. And this is the manner of the release: Every creditor that lendeth ought unto his neighbour shall release it; he shall not exact it of his neighbour, or of his brother; because it is called the LORD's release" (Deut. 15:1–2).[15] The text is clear: the neighborly loan is the focus of the law.

At least one kind of loan was explicitly exempted by the text: loans to non-resident foreigners: "Of a foreigner [*nok-ree*] thou mayest exact it again: but that which is thine with thy brother thine hand shall release" (Deut. 15:3). This could have been a traveller or foreigner who owned a business locally. It could have been a business contact in another country. It was not a poverty-stricken resident alien, who was treated by biblical civil law as a neighbor.

2. Who Is My Neighbor?

Because all debts to a neighbor are to be forgiven, the legal question legitimately arises: "Who is my neighbor?" This was the question that the lawyer asked Jesus (Luke 10:29). Jesus answered this question with His parable of the good Samaritan. The Samaritan finds a beaten man on the highway. The man had been robbed. He looked as though he was dead. He was in deep trouble *through no fault of his own*. He was on the same road that the Samaritan was traveling. The Samaritan takes him to an inn, pays to have him helped, and goes on his journey. He agrees to cover expenses. He is the neighbor. He showed mercy to the man. The lawyer admitted this (Luke 10:37).[16]

So, the context of the parable is not simply geographical proximity in a neighborhood. It is *proximity of life*. Samaritans did not live in Israel. They had very little to do with the Israelites. But this Samaritan was walking along the same road as the beaten man, and he was in a position to help. He saw that the man was a true victim. The latter was in trouble through no visible fault of his own. He therefore deserved help—morally, though not by statute law—but the priest and the Levite had refused to offer him any help. The Samaritan was being faithful to the law.

15. North, *Inheritance and Dominion*, ch. 36.

16. Gary North, *Treasure and Dominion: An Economic Commentary on Luke*, 2nd ed. (Dallas, Georgia: Point Five Press, [2000] 2012), ch. 21.

This parable was a reproach to the Jews. They knew what Jesus was saying, namely, that they were too concerned with the details of the ceremonial law to honor the most important law of all, which the lawyer had cited: "Thou shalt love the Lord thy God with all thy heart, and with all thy soul, and with all thy strength, and with all thy mind; and thy neighbour as thyself" (Luke 10:27). What they also fully understood was that Jesus was predicting that the gentiles (Samaritans) who did obey this law of the neighbor would eventually rule over the Jews, for this is what Deuteronomy 15 explicitly says. *He who shows mercy to his neighbor will participate in his nation's rule over other nations*. "Only if thou carefully hearken unto the voice of the LORD thy God, to observe to do all these commandments which I command thee this day. For the LORD thy God blesseth thee, as he promised thee: and thou shalt lend unto many nations, but thou shalt not borrow; and thou shalt reign over many nations, but they shall not reign over thee" (Deut. 15:5–6).[17] Notice also that the means of exercising this rule is through extending them credit.

This is a very significant covenantal cause-and-effect relationship. If a nation is characterized by the willingness of its citizens to loan money, interest-free, to their poverty-stricken neighbors, including resident aliens, the nation will eventually extend its control over others by placing them under the obligation of debt. "The rich ruleth over the poor, and the borrower is servant to the lender" (Prov. 22:7).[18] This is why it was legal to take interest from the foreigner who was living outside the land. It was a means of subduing him, his family, and his God-defying civilization. It was (and is) a means of dominion.

3. Moral Compulsion

Because these charitable loans were supposed to be cancelled in the seventh year, the national sabbatical year, there was an obvious temptation to refuse to make such loans as the sabbatical year approached. God recognized this temptation, and He warned against it.

> If there be among you a poor man of one of thy brethren within any of thy gates in thy land which the LORD thy God giveth thee, thou shalt not harden thine heart, nor shut thine hand from thy poor brother: But thou shalt open thine hand wide unto him, and shalt surely lend him sufficient for his need, in that which he wanteth. Beware that there be not a thought in thy wicked heart, saying, The seventh year, the year of release, is at

17. North, *Inheritance and Dominion*, ch. 37.
18. North, *Wisdom and Dominion*, ch. 66.

> hand; and thine eye be evil against thy poor brother, and thou givest him nought; and he cry unto the LORD against thee, and it be sin unto thee. Thou shalt surely give him, and thine heart shall not be grieved when thou givest unto him: because that for this thing the LORD thy God shall bless thee in all thy works, and in all that thou puttest thine hand unto (Deut. 15:7–10).

This indicates that God placed a moral obligation on the heart of the more successful man. He was supposed to lend to his neighbor. But this was not statute law enforceable in a civil court. God would be the avenger, not the state.

The context of the obligatory loan of Deuteronomy 15, like the zero-interest loan of Exodus 22:25–27, is poverty. There will be poor people in the promised land, Moses warned. Because of this, these special loans are morally mandatory. There must be a year or release, "Save when there shall be no poor among you; for the LORD shall greatly bless thee in the land which the LORD thy God giveth thee for an inheritance to possess it" (Deut. 15:4). Does this mean that these loan provisions would eventually be annulled? No. "For the poor shall never cease out of the land: therefore I command thee, saying, Thou shalt open thine hand wide unto thy brother, to thy poor, and to thy needy, in thy land" (Deut. 15:11). Everything in Deuteronomy 15 speaks of poverty and biblical law's means of overcoming it. *Deuteronomy 15 is not dealing with business loans; it is dealing with charity loans.*

But let the reader be forewarned: biblical law is a broader category than biblical civil law. There was no statute law that imposed sanctions on anyone who refused to make an interest-free loan.

4. Defining Poverty by Statute

Why was this not a statute law? Because biblical civil law presents only negative injunctions. It prohibits publicly evil acts. Biblical civil law does not authorize the state to make men good. It does not authorize the state to force men to do good things. It does not authorize the creation of a messianic, salvationist state. The state cannot search the hearts of men. God does this, as the Creator and Judge, so the state must not claim such an ability. The state is only authorized by God to impose negative sanctions against publicly evil acts. It is not authorized to seek to force men to do good acts. In short, the Bible is opposed to the modern welfare state.

There is no way for biblical statute law to define what poverty is apart from the opinions of those affected by the law, either as taxpay-

ers, charitable lenders, or recipients of public welfare or private charity. "Poverty" is too subjective a category to be defined by statute law. The state needs to be able to assign legal definitions to crimes, in order that its arbitrary power not be expanded. Yet economic definitions of wealth and poverty that are not arbitrary are not available to the civil magistrates for the creation of positive legal injunctions. Thus, God's civil law does not compel a man to make a loan to a poor person.

Nevertheless, the civil law does prohibit taking interest from poor people. How can it do this without creating the conditions of judicial tyranny through arbitrariness? If the magistrates cannot define exactly what poverty is for the purpose of writing positive civil injunctions, how can they define what a charitable loan is? How can the state legitimately prohibit interest from a charity loan if the legislators and judges cannot define poverty with a sufficient degree of accuracy to identify cases where a charity loan is legally obligatory for the potential lender?[19]

The lender decides who is deserving of his loan and who is not. This is his moral choice. God, not the state, will judge him. However, once the lender grants this *unique, morally enjoined charity loan*, he may not extract an interest payment. This is a negative injunction—not doing something which is forbidden by law—and therefore it is legitimately enforceable by civil law, as surely as the civil magistrates in ancient Israel were supposed to enforce the release of debt slaves[20] in the seventh (sabbatical) year (Deut. 15:12–15). The requirement to lend to the brother in need under the terms specified in biblical law, being a positive injunction, therefore comes under the self-government provisions of the conscience and the negative sanctions of God. This positive injunction is not under the jurisdiction of the civil courts. On the other hand, the prohibition against interest on these unique loans, being a negative injunction, does come under the enforcement of both civil courts and church courts.

The key to understanding the Bible's civil definition of poverty is the loan's contract. There must be a mutually agreed-upon contract, explicit or implicit, in order to establish a legally enforceable loan. If the borrower comes to the lender and calls upon him to honor Deuteronomy 15:7–8, then the borrower admits that his is a special case, a

19. This is the question that S. C. Mooney raised in his attempt to remove any distinction between charity loans and business loans. Mooney, *Usury*, pp. 123–27.

20. A debt slave was a person who had asked his neighbor for a morally mandatory, zero-interest charity loan, and who had then defaulted. He was then placed in bondage until the sabbatical year, or until his debt was paid.

charity loan, and it is governed by the civil law's terms of the sabbatical year and the prohibition against interest. The borrower makes his request a matter of conscience.

In so doing, he necessarily and inescapably places himself under the terms of biblical civil law. *If he cannot repay his debt on time, he can be legally sold into bondservice*. This is not a collateralized commercial loan. The borrower is so poor that he has no collateral except his land. He chooses not to use his land as collateral. He therefore chooses not to become a landless man, meaning landless until the next jubilee year. Yet he is still in dire need. All he can offer as collateral is his promise, his cloak, and his bodily service until the next sabbatical year should he default. Thus, the borrower admits that he in principle has already become a bondservant. He admits through the loan's contractual arrangement that the borrower is servant to the lender. If he cannot repay, he will go into bondservice until the next sabbatical year, or until his debt is repaid, whichever comes first.

How would the civil magistrate in Israel know which kind of loan was in force, commercial or charitable, and therefore whether interest was valid or illegal? By examining the nature of the loan's collateral. If a loan went to an individual who, if he should default on the loan, would be placed in debt slavery, then this was a charitable loan governed by the provisions of Deuteronomy 15. This is why the year of release applied to both kinds of servitude: debt servitude and bodily servitude that arose because of a man's default on a charity loan.

Furthermore, if it was a loan with the individual's cloak as security, then it was also a zero-interest loan. The collateral described in Exodus 22:25–27 insured little more than that the individual was a local resident—he had to come to the lender to get it back each evening—and that the loan was temporary. (It also made multiple indebtedness more difficult.)[21] It would have been a very small loan. This is clearly not a business loan. A business loan would have a different kind of collateral: property that was not crucial to personal survival on a cold night. If the borrower defaulted on a commercial loan, he would forfeit the property specified in the loan contract. He would not forfeit his freedom or his children's freedom. In short, the Old Testament biblical texts governing lending specify that certain kinds of loans would have certain kinds of collateral, and wherever specific forms of collateral appeared, the lender could not legally demand an interest payment.

21. See below: "Multiple Indebtedness."

Biblical civil law is exclusively negative law—prohibiting evil public deeds—not positive law, which enjoins the performance of righteous public deeds. An example of this distinction is the enforcement of the tithe: church courts can legitimately require voting members to tithe as a condition of maintaining their voting church membership. In contrast, the state cannot legitimately require residents to tithe to a church or other organization on threat of civil punishment.[22]

Once the contract is agreed to, the lender is placed under the limits of the civil law. He could not extract interest from the borrower, even a resident alien. But the borrower also was placed under limits: if he defaults, he could be sold into bondservice. Each party was under limits. Each had decided that this is a true poor loan situation. Each agreed to a unique set of contractual obligations by entering into this arrangement.

Thus, once the contract was made, either implicitly or explicitly, the state had a legal definition of poverty. If the borrower was legally subject to the possibility of being sold into bondservice for defaulting on the loan, then the lender could not lawfully extract interest from him. On the other hand, if the borrower was unwilling to place his own freedom in jeopardy, then he was unwilling to define himself as a poor man for the sake of the civil law's definition. Thus, he has to pay interest on the loan, *and his obligation to repay the loan extended beyond the sabbatical year*. If he was not under the threat of bondservice, he was not under the protection of the sabbatical year or the zero-interest provisions against usury.

D. Revising Past Mistakes

No one likes to admit publicly that he was wrong in the past, but honesty requires it. For two decades, I followed R. J. Rushdoony's lead on the question of the sabbatical year of debt release. I taught that no debt should be contracted by the debtor that is longer than seven years (Rushdoony said six years).[23] I adhered to this in my own finances. It cost me a great deal of money. I sold a rapidly appreciating investment property I wanted to keep because my seven years had run out, and I did not want to pay $45,000 cash to pay off the loan. I paid off other real estate investment loans in the seventh year. I stayed out of other real estate investments I really should have made.

22. North, *Covenantal Tithe*.

23. R. J. Rushdoony, *The Institutes of Biblical Law* (Nutley, New Jersey: Craig Press, 1973), p. 510.

I did my best to honor in practice what I had taught in theory. God holds us responsible for obeying our own interpretations of His law, even when we have misinterpreted the law. This is how we learn to obey. This is also how we show Him that we are serious about being covenantally faithful. But now I realize that I was wrong in my interpretation. I no longer wish to mislead people.

1. Mooney's Challenge

I was forced to rethink my position by S. C. Mooney. Mr. Mooney wrote a truly misguided book on usury. He said that interest on all loans is immoral and should be illegal in a Christian society. He also correctly concluded that this law against all forms of interest would have to apply to all rents, something that previous critics of interest had been unwilling to say in print. Thus, he concluded, no Christian can lawfully collect either interest or rent on his investment capital. This is economically preposterous, as well as biblically unwarranted. This was also the official position of the Roman Catholic Church until the sixteenth century, and it collapsed of its own weight.[24] It collapsed because it was not biblical.

Mr. Mooney's book offered a challenge to me. He observed, correctly, that I had previously argued that the interest-free loans of the Bible were (and are) charitable loans. I have always argued that business loans were (and are) loans of a completely different ethical and judicial character, and therefore lenders can legitimately ask for an interest payment. But I had also said that no loan beyond seven years is valid. He quite properly called me to account. If Rushdoony and I appealed to Deuteronomy 15 in order to defend the seven-year (or six-year) maximum on *all* loans, yet Deuteronomy 15 is also the basis of our arguing that morally compulsory *charity* loans—zero-interest loans—are unique, then we were mixing our judicial categories. He asked: "Why do they not hold that only the debts of 'poor' brethren are to be cancelled, and [thus] infer from this that it is lawful for one to continue to exact the debts of the 'rich'? The present writer agrees with their views concerning the remission of debts, particularly as cited above."[25]

When I read that, I instantly changed my views. In the twinkling

24. For a very clear summary of the transition in the Church away from the medieval position, see John T. Noonan, "The Amendment of Papal Teaching by Theologians," in Charles E. Curran (ed.), *Contraception: Authority and Dissent* (New York: Herder & Herder, 1969), pp. 41–75.

25. Mooney, *Usury*, p. 131.

of an eye, I abandoned my old argument that there must be a seventh-year debt cancellation by civil law.[26] Mooney was correct: either Christians must accept the fact that there is no biblically valid judicial distinction between charity loans and profit-seeking loans, and therefore no biblically legitimate economic distinction, or else we must interpret Deuteronomy 15 exclusively in terms of charity loans. Either all loans are to be zero-interest loans, or else charity loans alone are under the temporal restrictions of the sabbatical year principle. Thus, from this point on, I will argue, to cite Mr. Mooney, that "it is lawful for one to continue to exact the debts of the rich."

2. Who Are the Rich?

Who are the "rich," judicially speaking? Those who are not judicially poor. We have seen what constitutes poverty judicially: those who go to the potential lender and (1) remind him of his moral obligation to lend to the deserving poor (2) at zero interest, and (3) offer to go into bondage for as much as seven years to pay off the note if they should default on the loan.

This formula therefore tells us who the rich are, judicially speaking: all those people who are willing to sign a strictly voluntary, interest-bearing debt contract that is collateralized by something other than the threat of placing them in bondservice if they should default on their obligation. If the lender extends them credit on the basis of their signatures, or because they have offered him other collateral, including their real estate, then they are not considered poor people judicially. They come to him on the basis of a business opportunity, not on the basis of his moral obligation to lend them an interest-free loan.

What about the jubilee year? The jubilee law has been completely fulfilled in history by Jesus (Luke 4:16–21).[27] This that the Old Testament's ten-generation slave system for foreigners has been legally abolished. It also means that the land tenure laws of ancient Israel are legally abolished. There is no longer any legal obligation to return a piece of rural property to the original owner or his heirs. *Thus, a debtor can legitimately collateralize a loan with his property*. If he defaults on the loan, he loses his property unless he buys it back later on. (While this revision of my views did not please Mr. Mooney, it satisfied Greg

26. This was not a paradigm shift, but it surely was a sub-paradigm shift. They can take place very rapidly.

27. North, *Treasure and Dominion*, ch. 6.

Bahnsen, who once wrote that he did not agree with "Gary North's view of home mortgages."[28])

This is not to say that the debtor should do this. It is a great embarrassment to a man if he loses ownership of his family's property—his home—even in an urban society. If he is evicted from his home, he loses face. It is best if a man can own his home debt-free. He then does not face the threat of eviction and the embarrassment associated with eviction. But it is his legal right biblically to sign a debt contract to buy or refinance a home.[29]

E. A Millennium of Misinterpretation

Medieval Roman Catholics and early modern Protestants misinterpreted these verses. They interpreted them as if they were prohibitions against all forms of interest, rather than prohibitions against interest earned from charitable loans to fellow believers, as the Exodus 22 text explicitly says: "If thou lend money to any of *my people that is [are] poor*. . . ." The church's hostile view of interest had its origin in the teaching of Aristotle. Aristotle's economic analysis, rather than the explicit teaching of the biblical texts, always was the unstated intellectual foundation of the church's prohibition on interest-bearing business loans.

1. Aristotle on Interest

Aristotle taught that money is sterile—that it cannot increase by moving from person to person over time—and therefore undeserving of any return beyond the principal. Economist Joseph Schumpeter wrote this of Aristotle: "He condemned interest—which he equated to 'usury' in all cases—on the ground that there was no justification for money, a mere medium of exchange, to increase in going from hand to hand (which of course it does not do). But he never asked the question why interest was being paid all the same. This question

28. Greg L. Bahnsen, *Theonomy in Christian Ethics*, 2nd ed. (Phillipsburg, New Jersey: Presbyterian & Reformed, 1984), p. xix.

29. This does not mean that the state should subsidize this practice, as the U.S. government does, by offering deductions from total income, for income tax reporting purposes, for interest paid on mortgages. It also does not mean that the government should create (or promise) deposit insurance for those who put their money in savings institutions, with the legal right of immediate withdrawal, when the institutions then use this money to lend on 30-year mortgages. The length of the loan must be the same for both lender and debtor. Otherwise, the demand for immediate repayment by lenders threatens the solvency of the lending institution, which cannot demand repayment by the debtors.

was first asked by the scholastic doctors. It is to them that the credit belongs of having been the first both to collect facts about interest and to develop the outlines of a theory of it. Aristotle himself had no theory of interest."[30] Neither did the early church.

From the beginning, the West's view of interest was clouded by the association of interest rates and physical production. They are not linked in economic theory. It was also clouded by the association of interest with money. Furthermore, the Greeks were hostile to the idea of long-term progress.[31] They believed that time does not bring economic growth to society as a whole. This view was basic to all Greek thought. This pessimism about the economy dominated Western social thought until the Protestant Reformation. In this sense, the Greeks were not future-oriented, and Aristotle's analysis of money was clouded by this view of time. Only with the Reformation, and especially the Calvinist branches, did men begin to abandon this pessimistic view of the earthly future, and also begin to abandon medieval interest theory.

Early medieval theologians were unaware of Aristotle's specific arguments; copies of his manuscripts were not available until the eleventh century.[32] Later, Aquinas did follow Aristotle in condemning interest.[33] On the other hand, some of the late-medieval scholastic theologians broke with Aristotle on this point.[34] With or without Aristotle, however, the Roman Church remained officially hostile to usury throughout the medieval period. We still find a few isolated Roman Catholic theologians who try to defend the view of those medieval Scholastic theologians who opposed all interest as usury.[35]

---

30. Joseph A. Schumpeter, *History of Economic Analysis* (New York: Oxford University Press, 1954), p. 65.

31. On this point, I have always been in opposition to the opinion to the contrary of my teacher Robert Nisbet. See Nisbet, *Social Change and History: Aspects of the Western Theory of Development* (New York: Oxford University Press, 1969), ch. 1; *History of the Idea of Progress* (New York: Basic Books, 1980), ch. 1. I wrote "The Metaphor of Growth" for him personally (not a class) in 1967 or thereabouts as a rebuttal to his position. See Chapter 17.

32. John T. Noonan, *The Scholastic Analysis of Usury* (Cambridge, Massachusetts: Harvard University Press, 1957), p. 12.

33. Mooney recommended both Aristotle and Aquinas in this regard: Mooney, *Usury*, pp. 43–45.

34. Alejandro A. Chafuen, *Christians for Freedom: Late-Scholastic Economics* (San Francisco: Ignatius, 1986), ch. 7.

35. Patrick Cleary, *The Church and Usury: An Essay on Some Historical and Theological Aspects of Money Lending* (Hawthorne, California: Christian Book Club of America, [1914] 1972). This publishing house was closely related to Omni Books. They were the primary publishers in the United States of "greenback" or "populist" tracts: defenses

Sadly, we occasionally find Protestant non-theologians and non-economists who say the same thing.[36]

2. Not Interest as Such

There has been a great deal of confusion over the years regarding the "true meaning" of the English word *usury*, and how usury relates to *interest*, and how both words relate to the Bible. It is common for those without training in either economic theory or biblical studies to go rummaging around in 200-year-old English dictionaries in search of the "true meaning" of usury and interest. They have the illusion that what "Webster says"—any Webster—is somehow authoritative in economics or biblical studies. They may even pick up a Bible dictionary or two. Anyone who has looked up a word in the *Oxford English Dictionary* knows that there may be dozens of uses of the word. For example, look up "fix" or "set." The same is true of any other dictionary, including a Hebrew or Greek dictionary. Usage varies.

The Bible expositor must look at the uses of words in the actual texts, sorting out how the words and the meanings they convey can be conformed to each other. It is long, hard work. This commentary is a good example of what the expositor must do. It is surely not accomplished in a short paragraph in a Bible dictionary. Why, then, do otherwise literate people think that a Bible dictionary—perhaps one written a century ago—is the last word on the meaning of a hotly disputed word? I think it is because they never took a graduate school course in anything. When the college student gets beyond the textbook level of learning, he finds out how difficult words and meanings are in texts as recent as half a century ago—or in specialized disciplines with extensive jargons, the day before yesterday.

Where do the writers of textbooks and dictionaries go in search of meanings? They go to fat academic studies, such as this one. They have no time to research the meaning of every word. They rely on specialists. It is strange, then, to find that critics of a book like this will offer as supposedly serious evidence against it the fact that several dictionaries do not agree with the specialist's findings.

A common error historically has been the idea that usury in the Bible means high (undefined) interest, but not interest as such. Such

---

of fiat money controlled by the Federal government. For my critique of this movement, see Gary North, *Gertrude Coogan's Bluff: Greenback Populism as Conservative Economics* (Auburn, Alabama: Mises Institute, 2010).

36. Mooney is a good example. See Appendix J: "Lots of Free Time: The Existentialist Utopia of S. C. Mooney."

an interpretation first appeared in the Christian era, and is not supported by any Hebrew text.[37] This definition of biblical usury obviously cannot be reconciled with Deuteronomy 23:19, which prohibits any interest return whatsoever: "Thou shalt not lend upon usury to thy brother; usury of money, usury of victuals [food, or "vittles"], usury of any thing that is lent upon usury." The question of the rate of interest is irrelevant; any charge above zero is prohibited.

The question then must be raised: Does this prohibition apply to every type of loan? The biblical answer is no. The Bible does indeed prohibit any increase from *charitable* loans to the *impoverished* neighbor or brother, if he is willing to live in terms of the *biblical civil covenant*, and if he is not in poverty because of laziness or rebellion. It is not the moral obligation of the Christian to subsidize laziness or evil. The impoverished person must be part of the *deserving poor*. All four of these qualifications must be present in order to qualify someone as a candidate for a morally mandatory, interest-free loan. Deuteronomy 23:19–20 does not mention poverty. The other texts do, including Ezekiel 18, which warns against a son who "Hath oppressed the poor and needy, hath spoiled by violence, hath not restored the pledge, and hath lifted up his eyes to the idols, hath committed abomination, Hath given forth upon usury, and hath taken increase: shall he then live? he shall not live: he hath done all these abominations; he shall surely die; his blood shall be upon him" (Ezek. 18:12–13). The specific texts that detail the limiting conditions should be used to interpret Deuteronomy 23:19–20.[38]

The Bible allows other types of interest payments. First, it does not prohibit interest payments on business loans, as Jesus' parable of the talents indicates (Matt. 25:27).[39] Second, the Old Testament specifically exempted the foreigner from the protection of the prohibition against interest. It was legal to charge him interest (Deut. 23:20). Thus, any attempt to argue that the Bible always prohibits interest payments is untenable.

---

37. Walter C. Kaiser, Jr., *Toward Old Testament Ethics* (Grand Rapids, Michigan: Zondervan Academie, 1983), p. 215.

38. Those who would place a universal ban on all interest-bearing loans interpret all Old Testament verses regarding usury in terms of the general, unqualified prohibition of Deuteronomy 23:19–20. They also are forced to deny the plain teaching of Jesus' parable of the talents in Luke 19:23: "Wherefore then gavest not thou my money into the bank, that at my coming I might have required mine own with usury?" See below: "Interest-Seeking Loans."

39. Gary North, *Priorities and Dominion: An Economic Commentary on Matthew*, 2nd ed. (Dallas, Georgia: Five Point Books, [2000] 2012), ch. 47.

3. Positive Injunctions

Any attempt to argue that interest payments are inherently illegitimate because they involve demanding "something for nothing," and therefore necessarily involve cheating, is inescapably an attempt to deny the universalism of the ethics of the Bible. The Bible specifies that certain kinds of *positive charity* are appropriate for believers to provide in certain circumstances, but are not required to provide in their dealings with unbelievers in the same circumstances. On the other hand, the Bible never allows the *judicial oppression* of anyone; all people under the jurisdiction of a God-covenanted civil society are entitled to equal protection of the law. "One law shall be to him that is homeborn, and unto the stranger that sojourneth among you" (Ex. 12:49).[40]

Thus, if interest payments truly involved collecting something for no service received in return, then interest payments for every kind of loan would fall under the general biblical prohibitions against fraud and theft. Why would interest be allowed from loans to foreigners if interest involves taking something for nothing? Why would people be so foolish as to pay something for nothing, millennium after millennium? Interest does not involve collecting something for nothing, as I shall explain.

F. Interest: Time, Risk, and Price Inflation

The prohibition against interest payments for charitable loans was not limited to money loans; "usury of anything that was lent" was prohibited (Deut. 23:19b). By refusing to make any distinction between money loans and loans "in kind" (goods or services), the Bible avoids a very serious analytical error. The Bible announces clearly that *the phenomenon of interest is not confined to money loans*. Had the church fathers understood the implications of this from the beginning, perhaps the church would have avoided over a millennium of error, 300 to 1550.

Confusion over the two forms of loans—money loans and loans in kind—for centuries kept incipient economists and other intelligent observers from coming to grips with the phenomenon of *interest as a universal aspect of human action*. Only with the writings of Eugen von Böhm-Bawerk in the late nineteenth century, and the writings of Ludwig von Mises and Frank Fetter in the early twentieth century,

40. Chapter 14.

did modern economists at last unravel this aspect of interest. These economists classified interest payments under the general economic phenomenon of *time-preference*.[41] Time-preference is an inherent aspect of human action; it is therefore inescapable. This explanation denies the Aristotelian idea that the phenomenon of interest is solely a function of money.

The prevailing market rate of interest is a component of three factors, modern economics informs us: (1) time-preference, or the originary rate of interest (as Mises calls it); (2) a risk premium; and (3) the inflation (or deflation) premium. Few economic textbooks ever explain this, and no proponents of zero-interest free market loans ever discuss it.

1. Time-Preference

The originary interest rate, or time-preference factor, is the least understood and yet the most fundamental aspect of the phenomenon of the market rate of interest.[42] Other things remaining equal, a given quantity and quality of *future* goods is worth less in the free market (and in people's minds) than the same basket of goods today. This is not because, in the words of an old proverb, "a bird in hand is worth two in the bush." I am *not* speaking here about *comparative risks* of obtaining ownership, "in hand" vs. "in the bush," meaning present vs. future. I will discuss the risk factor later on. I am speaking here about interest as *a fundamental category of human action*.

We live in a universe that is structured by the category of *time*. We necessarily live and act in the present. We cannot escape the constraints of time. We prefer satisfaction now. A brand-new automobile (or anything else) is more valuable to me right now than the delivery of an identical car a year from now (other things—public tastes, market value, gasoline prices, etc.—being equal). I act in the present. I choose to do in a *sequence of events* those things that I am capable of doing with whatever assets I possess. I plan for the future, but I am not immediately responsible for the future, for I have no control

41. Eugen von Böhm-Bawerk, *History and Critique of Interest Theories*, vol. 1 of *Capital and Interest*, 3 vols. (South Holland, Illinois: Libertarian Press, [1921 ed.] 1959); Frank A. Fetter, *Capital, Interest, and Rent: Essays in the Theory of Distribution*, ed. Murray N. Rothbard (Kansas City, Kansas: Sheed Andrews and McMeel, 1977); Ludwig von Mises, *The Theory of Money and Credit* (New Haven, Connecticut: Yale University Press, [1912] 1953); Mises, *Human Action: A Treatise on Economics* (New Haven, Connecticut: Yale University Press, 1949), ch. 19; Murray N. Rothbard, *Man, Economy, and State*, 2nd ed. (Auburn, Alabama: Mises Institute, [1962] 2009), chaps. 5–7.

42. Mises, *Human Action*, ch. 19.

over it. I am responsible only in the present. Thus, what happens in the present is more relevant for me than what I expect in the earthly future, because I must live in the present in order to get to the future. I am responsible in the here and now, not in the there and then.

Let us consider all this in more general terms. Biblically speaking, an individual is responsible to God in the present. He cannot escape this covenantal responsibility. As a person created in God's image, he must place higher value on action in the present than action in the future. He is not yet responsible for what he will do in the future. Thus, an individual does those things first that he rates as most important in a calculated sequence of events. He places higher value on present goods and services than on future goods and services, because he has a proposed plan of action: first, second, third, etc. in a plan of sequential events. He does not control future goods; he controls only present goods. He must act in the present. Thus, *the goods that he owns in the present are worth more to him than those same physical goods in the expected future*. There is a premium for present goods over identical future goods in the world of human action because of the time-constrained nature of covenantal responsibility before God. "Take therefore no thought for the morrow: for the morrow shall take thought for the things of itself. Sufficient unto the day is the evil thereof" (Matt. 6:34).[43] Also sufficient unto the day are the pleasures thereof.

A lender will always require an interest return on a loan in order to compensate him for the loss of his use of his present goods. The borrower should not expect to get something for nothing. Critics of interest claim that the lender gets something for nothing. On the contrary, if there is no interest return on the loan, *the borrower gets something for nothing*.[44] The borrower is offering the lender nothing for something when he asks the lender to transfer to him something worth more (a presently owned good, e.g., money) in exchange for something worth less (that same or a comparable good in the future). The rate of interest expresses the difference in present market value between *present goods* and physically identical *future goods*. It does not matter whether a loan is made in the form of money or any other com-

43. North, *Priorities and Dominion*, ch. 15.

44. Obviously, I am assuming here that market competition has eliminated differences in the retail price of the goods. Some sellers will offer goods or services on the basis that the buyer does not have to pay any interest on the loan for a month, three months, or whatever. The economically literate buyer knows better. There is a concealed interest rate in the selling price.

modity; the same discount on the market price of future goods exists for all commodities.

The more *future-oriented* the lender is—the more he values the future in relation to the present—the lower the rate of interest he will require in order to persuade him to make the loan. This is why future-oriented cultures experience greater economic growth per capita than present-oriented cultures. It is easier to obtain capital loans in such societies, meaning that at any given rate of interest, more loans are available. This is another aspect of consumer sovereignty. If consumers in one society value future wealth more highly than consumers in another society do, both groups "buy" the future they prefer. How? The former save more (defer consumption) at any given rate of interest than the latter do.

Consider the case of two societies, each possessing capital equipment and land of equal value. If consumers in Civilization A place higher value on future goods (low time-preference) than the people of Civilization B place on future goods (high time-preference), it therefore means that Civilization A places lower value on present goods than Civilization B does. If people in both societies plan production equally accurately—if their respective entrepreneurs and laborers are equally skilled—then the consumers in Civilization A who prefer future goods will get what they want if they plan accurately: higher future income. They must pay for that higher future income by foregoing present income. They save more. They allocate more present goods for increased future consumption than citizens of Civilization B do. Citizens of Civilization B also get what they want: higher present income than the future-oriented citizens Civilization A enjoy, but lower future income. They save less. The free market interest rate is the economic indicator that both reflects and guides the respective concerns of consumers, present goods vs. future goods.

If there were no market rate of interest, it would be impossible for anyone to make rational economic plans. It would be irrational to expect anyone to be able to plan rationally if all prices were compelled by law to be the same. It would be equally irrational to expect anyone to be able to plan rationally if the price of future goods were compelled by law to be the same as the price of present goods. Future goods are less valuable than present goods. Passing a law does not make them of equal value.[45]

45. The only reason the Bible's law against interest can be expected to function is to admit that such loans are charitable loans. Such a moral (though not civil) law requires

What is really being said by those who pass "usury laws" is that capital is free of charge. ("Capital" = land + labor over time.)[46] Thus, when capital's rental price is lowered by law below the market rate—or worse, to zero—the supply of this supposedly free good dries up.

Interest is not the "product" of capital. Interest does not originate with the productivity of capital. Economic *rent* is the stream of income which is produced by a capital asset. The interest rate (people's time-preference) is applied to the future value of this expected stream of income. A better way to put this is to say that the prevailing rate of interest *discounts* the future expected value of this expected stream of income.[47]

Similarly, *interest is not the "product" of a loan*. It is simply the discount applied to the future stream of income called repayment. Interest arises from the present-orientation of human beings as creatures of the present; it is applied to the future as a discount. Murray Rothbard wrote: "*The time market is therefore not restricted to the loan market. It permeates the entire production structure of the complex economy*."[48] This is such a simple concept, yet it took over two millennia for anyone to figure it out. Not many people understand it even today.

2. Risk Premium

The market rate of interest also contains a risk premium. The risk that a particular borrower will not repay his loan must be shared among all borrowers within any particular class of borrowers—class in this case referring to a statistical grouping of borrowers according to lending risks. Toyota will pay a lower rate of interest to borrow money than a buyer of a used Toyota car will have to pay. A nation of people who believe that the wicked borrow and do not repay (Ps. 37:21),[49] and who believe that God judges the wicked, will experience lower rates of interest than a nation of "devil-may-care, but God doesn't" borrowers.

If the national government is trusted by the public, then its debt will be able to be sold at the lowest rate of interest. Major corporations will enjoy the privilege of paying rates slightly higher than the national government. At the bottom of the pile are those who are least credit-worthy. They will be able to get only small loans from pawn

---

the lender to give the borrower something for nothing.

46. Rothbard, *Man, Economy, and State*, ch. 6:5.

47. Fetter, *Capital, Interest, and Rent*, pp. 192–221: "The Relations between Rent and Interest."

48. Rothbard, *Man, Economy, and State*, p. 378.

49. North, *Confidence and Dominion*, ch. 6.

shops that demand collateral (highly discounted, in case the lender defaults), or, worst of all, from "loan sharks" who charge very high rates, and who are willing to accept this risk of default only because they are also willing to impose physical violence on those who refuse to pay on time. They do not "re-schedule" loans without rearranging faces.

3. Price Inflation Premium

The inflation premium becomes an increasingly important factor in the market rate of interest in a society which permits or encourages monetary debasement, including fractional reserve banking. Loans will contain an inflation premium component—interest rates higher than the mere originary rate, or "present goods vs. future goods" component. The lender of money will lose if money of less purchasing power is returned to him. Inflation raises long-term interest rates.[50]

One way around price inflation is to make loans in kind. The lender loans gold coins, for example, and demands repayment of both principal and interest in gold coins. Or perhaps the loan is made in a comparatively stable foreign currency. The loan's price inflation premium then disappears.

Summary

The reason why interest rates never fall to zero is that a lender does not need to transfer an asset to anyone else merely to have that same asset returned to him in the future. He can hold onto the asset and achieve the same economic return in the future. Meanwhile, he has the asset ready for immediate use, should a profitable opportunity arise. Therefore, should someone voluntarily lend any asset at a zero rate of interest, it is because the person is making a *charitable loan*, or else he is buying safer storage for the asset. In the latter case, he is then paying an *implicit fee for storage*; the interest that he is forfeiting that the borrower will receive by re-lending the asset, or the immediate access to the asset that he is forfeiting. A *negative interest rate*, should it ever appear on a voluntary market, is clearly evidence of a *storage fee*.

People do not voluntarily give up something for nothing unless they are confused about the details of the transaction.[51] Thus, all talk about a zero rate of interest in a time-bound, risk-bound, free mar-

50. Monetary inflation can temporarily lower short-term interest rates: Mises, *Human Action*, ch. 20.

51. In the case of making a zero-interest charitable loan, the lender is honoring God. He is thereby building up treasures in heaven (Matt. 6:20), to be received in the future (I Cor. 3:12–14).

ket world is nonsense.[52] In an attempt to achieve such a world, the civil government would have to prohibit all profit-seeking lending and borrowing, including mortgages; but that would not be a world of voluntary exchange. It would also be a world of barbarism: the destruction of all capital by consumption.[53]

G. Inescapable Interest

The phenomenon of interest is inescapable in any economy. It is not something "extracted" from borrowers by lenders. It is inherent in the very way we all think about the future, whether as borrowers or lenders. We are creatures. We are always *time-constrained*. We live in the present. Those items which we presently possess are of greater use to us —and therefore of greater economic value to us—right now than the prospect of using those same physical items in the future. We are covenantally responsible *now* for the use of whatever we presently own or control. We therefore *discount future value* as against present value. It is this present market discount of future value, above all, which is the reason why there is an interest phenomenon in economics.

1. Perpetual Motion Machine

Any attempt to legislate away the inescapable effects of the rate of interest (discount for time-preference) should be seen as a doomed attempt to escape both time and creaturehood. To put it as bluntly as possible, anyone who argues that an economy can operate apart from the effects of the time-preference factor has adopted the *economic equivalent of the perpetual motion machine*. Both arguments—perpetual motion physics and zero interest economics—rely on men's obtaining "something for nothing."

In fact, anyone who would recommend civil legislation against all interest payments is far more dangerous than a person who would argue for legislation prohibiting all machines except perpetual motion machines. The second person is instantly recognized as a crackpot whose proposed legislation would destroy civilization, assuming that the civil government would seriously attempt to enforce it. The anti-usurer isn't as readily recognized as a dangerous crackpot, even though his recommendation, if seriously enforced by civil law, would be equally a threat to the survival of civilization. Both forms of legislation, if enforced, would decapitalize society. The crackpot amateur

52. Rothbard, *Man, Economy, and State*, p. 382.
53. *Ibid.*, pp. 399–400, 450–51.

physicist, however, cannot do what the crackpot amateur economist can do and has done in the past: present himself as a defender of "love" in social theory, a protector of society's "bank-oppressed" little people, and a person who has found a long-neglected way to eliminate from this world a group of corrupt money middlemen and their extortionate ways, thereby making everyone else a little bit richer. Even worse, the anti-interest destroyer of nations who would ruin society by making illegal all interest payments can easily present his case in the name of the Bible. The nut (or outright occultist) who would prohibit by civil law all non-perpetual motion machines cannot easily appeal to any body of literature in the history of moral thought. Nevertheless, both types of self-professed reformers—the perpetual motion "physicist" and the zero-interest "economist"—are ultimately appealing to the occult or to magic, but the anti-usurer's appeal is not recognized as such, even by Christians. Usury laws are the destroyer of nations.

2. Let's Make a Deal

To make my point clear—that interest is inescapable—let us assume that you are a potential buyer of my piece of property, a gold mine. I persuade you that you can earn one ounce of gold per year *net profit* from this land, after all expenses are paid, simply by paying someone to dig the gold ore and selling it to a refiner. Furthermore, we both agree (and all other potential buyers agree) that the mine will probably be able to produce this profit for a thousand years, with the first ounce coming in one year. Then I ask you to pay me one thousand ounces of gold, cash, for the mine.

You, of course, protest. It is not worth a thousand ounces, cash. I counter by showing you that you have already agreed that the land will produce a thousand ounces of gold, so why shouldn't I be entitled to a thousand ounces? We all agree: equal for equal, right? Where is my argument incorrect?

The error has to do with the value to you *today* of those *future* ounces of gold. I am asking you to give me gold, ounce for ounce, in advance. But what is the gold mine's thousandth ounce, delivered a thousand and one years from now, really worth to you? Will you give up your thousandth ounce of gold today (and all that it will buy) for that thousandth ounce in the distant future for some unnamed heir of yours? I doubt it. Why won't you? *Because you apply a cash discount to that future stream of income*. An ounce of gold a thousand and one years down the road isn't worth as much to you today as your thousandth

ounce is worth to you today. You will not be here to enjoy that future thousandth ounce; you can enjoy whatever your presently owned thousandth ounce will buy today.

Now, think about this process of discounting for cash. We call this process *capitalization*. Let us assume that you own an ounce of gold today. An ounce of gold fifty years from now, or twenty years from now, is not worth your ounce of gold today. A future ounce of gold, whether scheduled to be received a year from now or a thousand and one years from now, is discounted in your mind. We have therefore discovered a law of human action (which applies in economics): *the present cash market value of expected future goods is always discounted compared with the present cash market value of the identical physical goods.*

What is this discount called? It is called the *rate of interest*. You discount the future value to you of any good compared to what that same good is worth to you immediately, whether it is that automobile or an ounce of gold from that piece of property. For me to get you to hand over the present good today (money), I have to promise to return it to you in the future, plus extra money or other benefit. In other words, I have to pay you *interest*.

Let us consider another example. You win a brand new Rolls Royce automobile. These cars do not change in styling very often. They actually look more like a 1953 Packard than like a new car. But they are a status symbol. Assume that all taxes are paid by the prize-granter. You are now offered a choice: delivery of the car today or in a year. The style probably will not change (low risk factor). Tastes of the very rich public for Rolls Royces probably will not change. The car will be taken care of, you are assured. Make your choice: the car now or the car in a year. The choice is obvious. Why is it obvious? Because of interest, meaning time-preference. "Better now than later!"

Why do some people believe that your preference is pathological, the product of your morally diseased mind? Because they are utopians.

H. Utopianism: A World Without Scarcity

It would be nice if I did not have to mention any of the following crackpot theories of economics. The reason why this task is unavoidable is that these ideas have spread far and wide in Christian circles. Christian economics has been an ignored topic for centuries. What has passed for Christian economics in the past has either been baptized moralism or baptized humanism. Numerous crackpot schemes have been promoted in the name of Christian economics, and still are being promoted. The

closer we get to the question of monetary policy and interest, the more likely we are to discover pamphlets claiming to be Christian.[54]

Anyone who seriously discusses the possibility of judicially compulsory zero-interest loans in a "free" or "wise" economy is a monetary crank, a person with no formal training in economics or social theory, and a person dangerously devoid of understanding regarding the human condition. You know for sure that you are listening to an economic amateur when you hear someone seriously propose the possibility of an economy without any legal debt, meaning an economy without legally enforceable contracts to deliver goods or services in the present in exchange for a greater quantity of goods or services in the future. This would be an economy run exclusively in terms of zero-interest business loans.

There has never been such a phenomenon as a zero-interest business loan. There never will be. Why not? Because *time is not a zero-price resource*.

1. Crackpot Non-Economists

There have been a lot of these "anti-usury" amateur economists on the fringes of the American conservative movement ever since the days of the "greenback" movement and the politically radical Populist movement of the late nineteenth century. These views on debt were associated with calls for inflation and the free coinage of silver.[55] Radical conservatives and radical leftists have cooperated for over a century in these Populist-type movements.[56] The Technocracy movement and the Social Credit movement are contemporary examples.[57] Both groups gained their prominence during the economic confu-

54. See Appendix J: "Lots of Free Time: The Existentialist Utopia of S. C. Mooney."

55. Allen Weinstein, *Prelude to Populism: Origins of the Silver Issue, 1867–1878* (New Haven, Connecticut: Yale University Press, 1970); Willis A. Carto (ed.), *Profiles in Populism* (Old Greenwich, Connecticut: Flag Press, 1982). See the three-volume reprint of "Money": *A Monthly Magazine* (New York: Money Pub. Co., 1897–1900).

56. The most obvious example of a liberal promoter of such views is Jerry Voorhis, the California Democrat who lost his seat in Congress in 1946 to a young Richard Nixon. He later became associated with the co-operative movement. See his books, *Out of Debt–Out of Danger* (New York: Devin-Adair, 1943), published by a conservative publisher, and *Beyond Victory* (New York: Farrar & Rinehart, 1944).

57. The Social Credit movement of Canada (especially in the province of British Columbia) no longer takes seriously the monetary theories of the founder of Social Credit, Major Douglas. The Party may sell Major Douglas' books or pamphlets based on them, such as Maurice Colbourne's *The Meaning of Social Credit* (Edmondton, Alberta: Social Credit Board, 1933). But once in office, Social Credit politicians never mention Social Credit monetary theory.

sion of the 1930s.[58] Defenders of such views on interest-free debt are also to be found in certain Christian circles.[59] Very traditional Roman Catholics have promoted such ideas, most notably the notorious anti-Semitic radio priest of the 1930s, Rev. Charles Coughlin.[60] Today, the "British Israel" or "Identity" movement is filled with tract-writers who offer such monetary theories, all claiming that their views are Bible-based.[61] Two of the monetary crank paperback books in my library are written by dentists and physicians.[62] Another was written by a Nobel Prize-winning chemist, Frederick Soddy.[63] Few, if any, of these books have been written by a trained economist.[64] All of them display bad typography, and many of them reprint 1930s-style (or earlier) political cartoons. (Occasionally, they are printed from computer print-outs.)[65] There is a peculiar combined scent of forgotten used books and fresh mimeograph ink that emanates from the American and Australian Social Credit movement.[66]

---

58. Frank Arkright, *The ABC of Technocracy* (New York: Harper & Bros., 1933); E. S. Holter, *The ABC of Social Credit* (New York: Coward-McCann, 1934).

59. Cf. George F. MacLeod, *Money: A Christian View* (Glasgow: William Maclellan, 1963). In Australia, the Social Credit movement is heavily dependent on support by Christians. Cf. Eric D. Butler, *Social Credit and Christian Philosophy* (Melbourne: New Times Limited, 1956). The Australian movement, never having achieved any political influence, still takes Major Douglas seriously.

60. Rev. Charles E. Coughlin, *The New Deal in Money* (Royal Oak, Michigan: Radio League of the Little Flower, 1933); *Money! Questions and Answers* (Royal Oak, Michigan: National Union for Social Justice, 1936). On his national influence, see Sheldon Marcus, *Father Coughlin: The Tumultuous Life of the Priest of the Little Flower* (Boston: Little, Brown, 1973). Another Catholic priest whose books have promoted these monetary theories is Rev. Denis Fahey. Cf. Fahey, *Money Manipulation and Social Order* (Dublin: Browne and Nolan, 1944).

61. J. Taylor Peddie, *The Economic Mechanism of Scripture: The Cure for the World Crises* (London: Williams & Norgate, 1934); C. F. Parker, *Moses the Economist* (London: Covenant Pub. Co., 1947); C. O. Stadsklev, *New Money for the New Age* (Hopkins, Minnesota: Gospel Temple, 1968).

62. Cf. Edward Popp, D.D.S., *Money–Bona Fide or Non-Bona Fide (*Port Washington, Wisconsin: Wisconsin Educational Fund, 1970); Charles Norburn, M.D., *Honest Money* (Asheville, North Carolina: New Puritan Library, 1983).

63. Frederick Soddy, *Wealth, Virtual Wealth and Debt: The Solution of the Economic Paradox,* 3rd ed. (Hawthorne, California: Omni, 1961).

64. A pamphlet by Georges-Henri Levesque, O.P., *Social Credit and Catholicism* (Hawthorne, California: Omni, [1936]), seems to be an exception. He taught economics at Laval and Montreal Universities, the pamphlet says. He was a graduate of the School of Social and Political Sciences, Lille, France. To say that he was not a well-known figure is putting it mildly.

65. Richard Kelly Hoskins, *War Cycles—Peace Cycles* (Lynchburg, Virginia: Virginia Group, 1985).

66. For a critique of these doctrines, see Gary North, *Salvation Through Inflation: The Economics of Social Credit* (Tyler, Texas: Institute for Christian Economics, 1993).

2. The Crackpot Economics of J. M. Keynes

I have said that no trained economist has taught such doctrines. There is one glaring exception, which may not be an exception after all: John Maynard Keynes. Mr. Keynes actually earned only a bachelor's degree in mathematics. He never took a graduate degree in economics or any other subject. His father, Cambridge University economist John Neville Keynes, got him a job teaching economics at Cambridge by putting up the money to pay his salary. From that privileged pulpit, he began to make his international reputation.

Mr. Keynes taught that "Interest to-day rewards no genuine sacrifice, any more than does the rent of land. The owner of capital can obtain interest because capital is scarce, just as the owner of land can obtain rent because land is scarce. But whilst there may be intrinsic reasons for the scarcity of land, there are no intrinsic reasons for the scarcity of capital."[67] His liberal followers do not want to admit that he believed such nonsense, and the right-wing monetary cranks who do believe it do not want to be associated with him or his ideas. Nevertheless, he is one of theirs, meaning both ideological groups.

Keynes promoted the theories of Major Douglas, who founded Social Credit.[68] Keynes also recommended Silvio Gesell, a true monetary crank and socialist, whom he referred to as "the strange, unduly neglected prophet."[69] He spent several pages of the *General Theory* praising Gesell. Referring to the preface of Gesell's *Natural Economic Order* (1916), Keynes said that "The answer to Marxism is, I think, to be found along the lines of this preface."[70] He went on: "He argues that the growth of real capital is held back by the money-rate of interest, and that if this brake were removed the growth of real capital would be, in the modern world, so rapid that a zero money-rate of interest would probably be justified, not indeed forthwith, but within a comparatively short period of time."[71] But can the money rate of interest be reduced to zero? Of course, Keynes said.

Keynes praised Gesell's plan[72] for the government to issue paper money with a date stamped on it; to keep the money legal, the users

67. John Maynard Keynes, *The General Theory of Employment, Interest, and Money* (New York: Macmillan, 1936), p. 376.

68. *Ibid.*, pp. 370–71.

69. *Ibid.*, p. 353.

70. *Ibid.*, p. 355.

71. *Ibid.*, p. 357.

72. And also Irving Fisher's, another prominent academic proponent of government-produced fiat money.

would have to get their money re-stamped each month. There would be a stamping tax on the money. Keynes highly recommended this scheme. "According to my theory it [the stamping tax] should be roughly equal to the excess of the money-rate of interest (apart from the stamps) over the marginal efficiency of capital corresponding to a rate of new investment compatible with full employment."[73] But Keynes also taught that the marginal efficiency of capital could fall to zero "within a single generation. . . ."[74] In fact, he said that it would be "comparatively easy to make capital-goods so abundant that the marginal efficiency of capital is zero. . . ."[75] Thus, when the marginal efficiency of capital falls to zero, then there will be no economic reason for the rate of interest not to do the same. Just tax interest and rents out of existence! In short, under his system of economics, "the rentier would disappear. . . ."[76]

This is so clearly an example of crackpot economic utopianism that his respectable academic disciples have spent two generations either ignoring this or explaining it away as really meaning something else. But he meant what he said. One reason why the *General Theory* is so incoherent, in sharp contrast to his earlier economic writings, is that it is an attempted defense of a program to produce the impossible: a world without scarcity, a world where capital is free for the asking, a world without interest.

It is not surprising, therefore, to find that Keynes was also a promoter of the basic monetary theory and policy of Social Credit. Social Credit economics teaches that the government should create fiat money to match the aggregate economic growth of the nation. This, we are told, will keep effective demand high enough to promote full employment. This is what Keynes taught, too: "There will be a determinate amount of increase in the quantity of effective demand which, after taking everything into account, will correspond to, and be in equilibrium with, the increase in the quantity of money."[77] Keynes was unquestionably a monetary crank.

I agree with Sir Eric Roll, at least on this one point: the growth of such utopian ideas represented a reaction to the Great Depression of the 1930s, and it also represented a decline in the influence of rational economic reasoning. "In particular, the social and political roots

73. *Idem*.
74. *Ibid*., p. 220.
75. *Ibid*., p. 221.
76. *Idem*.
77. *Ibid*., p. 299.

of the monetary doctrines of Major Douglas, of the mystical views on wealth and debt of Professor Soddy, of the 'free land' and 'free money' agitation of Silvio Gesell, would form an interesting subject of analysis. What needs, however, to be pointed out is that the keen discussion which those views evoked and the many adherents which they could claim, particularly in the years immediately after the Great Depression, were both a symptom and an aggravating cause of the decline of relevance and of authority of economic theory."[78] I regret only that Professor Roll did not have the academic courage to list Keynes in this menagerie of cranks.

I. Capitalization: Human vs. Non-Human

I fully acknowledge that men, in their quest for autonomy from God, are willing to become slaves of sin, and therefore in principle to become slaves of other men. I recognize the accuracy of the New Testament principle that it is best to owe no man anything (Rom. 13:8a).[79] I also recognize that modern economics has promoted the ideal of perpetual debt for perpetual prosperity, and that a world so constructed will eventually collapse if, as happens when governments control the issue of money, political pressures from debtors create steady monetary inflation. Long-term debt tends to lure debtors into the illusion that monetary inflation benefits them more than it harms society. In the short run, they may be correct; not in the long run.

Nevertheless, the long-term capitalization of inanimate equipment, agricultural land, and work animals is biblically legitimate. So, in the Old Testament economy, was the capitalization of foreign heathen slaves, although not for resale to foreign nations (Lev. 25:44–46).[80] The borrower owns an economically valuable asset. The lender may be willing to lend money if this asset serves as collateral for the loan. The borrower owes the lender something, but it is something that he already owns. He can "buy his way out" of the loan contract by turning over to the lender the agreed-upon collateral. He does not place himself in bondage with this type of loan. He can pay off the loan at any time, either by turning over cash or the collateral to the lender.

Thus, the capitalization of long-term rents is legitimate today. In a

78. Eric Roll, *A History of Economic Thought*, 3rd ed. (Englewood Cliffs, New Jersey: Prentice-Hall, 1956), p. 457.

79. Gary North, *Cooperation and Dominion: An Economic Commentary on Romans*, 2nd ed. (Dallas, Georgia: Point Five Press, [2000] 2012), ch. 12.

80. North, *Boundaries and Dominion*, ch. 30.

biblical society, governments would not be allowed to issue money.[81] Neither would fractional reserve banks.[82] This would eliminate the primary biblical objection against collateralized debt: the subsidy that monetary inflation offers to debtors. They could not pay off their debts with depreciated money.

1. Unsecured Debt

What about unsecured debt? That has to be the decision of the lender. Are the risks worth it? He decides. He should have the legal right to extend credit. The creditor believes that debt is to his advantage. The Bible says that such personal debt is best avoided (Rom. 13:8), but it does not forbid debt. In some cases, debt may actually be to the benefit of the debtor. Debt to finance a higher education is one example. But the debtor must always understand that by taking an unsecured debt, he is risking disgrace. He has in principle become a bondservant (Prov. 22:7).

In a biblical social order, a defaulting debtor would be required to sell everything he owns to pay his creditors. "The wicked borroweth, and payeth not again: but the righteous sheweth mercy, and giveth" (Ps. 37:21).[83] There must be sanctions against such public wickedness as defaulting on a loan. When a person declares bankruptcy, he is publicly announcing that the total value of his possessions is insufficient to repay his creditor or creditors. He violates the terms of the loan's contract if he retains any personal assets after declaring bankruptcy. He must turn over everything he owes to his creditor up to the amount specified in the contract. (Some societies may allow him to retain some of his possessions, but this exception was known to lenders beforehand, and the added risk to the creditor was already built into the loan's risk premium.) He cannot legitimately be sold into indentured servitude unless this was specified in the loan contract, and if it was, then the loan had to be a zero-interest charity loan, as I have argued above ("Defining Poverty by Statute"). There should be little doubt that the abolition of debtors prison in the West during the late-nineteenth century was an act in conformity with biblical law's standards of debt and repayment.

If such laws were on the statute books, there would be a lot less consumer debt.

81. Gary North, *Honest Money: The Biblical Blueprint for Money and Banking* (Ft. Worth, Texas: Dominion Press, 1986), ch. 10.

82. *Ibid.*, ch. 11.

83. Gary North, *Confidence and Dominion: An Economic Commentary on Psalms* (Dallas, Georgia: Point Five Press, 2012), ch. 6

2. Collateralized Debt

The lender is permitted to take a poor man's cloak as collateral, but the cloak must be returned at night. This is a strange form of collateral, because the lender cannot use it when it is most needed. Its purpose is two-fold. *First*, to restrict loans of charity to *local regions* whenever possible. Lenders are supposed to be in close contact with borrowers. They should know their character. Lenders are very likely employers. They can distinguish a true emergency from a disguised consumer loan. *Second*, to reduce *multiple indebtedness*. While the lender cannot use the cloak during the night, the debtor cannot use it during the day. He cannot use the same cloak as collateral for several loans at the same time.[84] He is limited in his ability to indebt himself and his future.

A lender is not required to take any form of collateral. This indicates that a major form of collateral for a loan is the lender's perception of the borrower's character and his ability to repay the loan. Character, in fact, is a better form of collateral, because the lender does not have to go to the trouble of returning the cloak each evening. This reduces transaction costs. The less trustworthy the borrower's character, the more likely that a lender would require the cloak, fearing multiple indebtedness.

J. Multiple Indebtedness

There is a very important application of the law of collateral, one that is seldom discussed.

1. The Cloak

Consider the case of a poor man who comes in search of an emergency loan from his neighbor. The neighbor assesses the man's character, and concludes that the man is likely to repay the loan. The lender has made a mistake. The man may visit several people to ask for an emergency loan. If he collects from all of them, he may waste the money. Even if he repays these loans, he has dealt fraudulently with lenders by accepting numerous interest-bearing loans. They have unknowingly borne added risk.

But what if the lender suspects that the borrower is somewhat unreliable? The lender wants to honor God, so he intends to make

84. This was the opinion of the twelfth-century Jewish scholar, Ibn Ezra, citing Saadia Gaon. Nehama Leibowitz, *Studies in Shemot*, Part 2 (Jerusalem: World Zionist Organization, 1976), p. 418.

the loan. But he wants collateral. He wants to give the borrower an economic incentive to repay the loan as soon as possible. The man is poor. He has no collateral of value. But the lender can still demand the man's cloak. He is not allowed to take the widow's cloak (Deut. 24:17).

What good is this cloak to the lender? He must return it in the evening, when the man needs it. It cannot be sold. It cannot be used by anyone in the lender's household. It is a nuisance, for it must be returned each evening. But it has two important economic functions. First, the borrower has to come back every evening to get it back. This is an inconvenience. He will have an added incentive to repay the loan early. Second, because the garment is in the possession of the lender during the day, it cannot be used as collateral with another lender. One piece of collateral can be used for only one loan at a time, if the lender demands collateral. If the borrower kept it, and simply signed a note saying that it stands as collateral for the loan, he may sign several such notes for several lenders. If he defaults, they cannot all collect their collateral. Therefore, by permitting the lender to demand half a day's collateral, biblical law reduces the temptation on the part of borrowers to commit fraud.

2. Fractional Reserve Banking

Modern banking is based on the flagrant flouting of the prohibition against multiple indebtedness. For every asset a bank owns, there are many legal claims against that asset at any point in time. The bank keeps fewer reserves on hand to meet demands of lenders to the bank—depositors—than the bank has promised to deliver on demand. This is called *fractional reserve banking*. It is the universal form of banking and has been since the early modern period. It was an invention of the Renaissance.

Depositors believe that their money is available on demand. The banks have promised them that it is available on demand. But it isn't. If every depositor came to the bank one day and began to withdraw his money, the bank would go bankrupt. The bank loaned out the depositors' money in order to earn interest on the loans. Part of this return is paid to depositors as interest on their accounts. The depositors know this, but they all assume (as do the bank's managers) that not all depositors will try to get their money out on the same day. They assume that withdrawals will tend to equal deposits on any given day. Usually, this assumption is correct. On the day when men lose faith in

the solvency of the bank—the bank's ability to repay those few depositors who demand their money—a bank run ensues. Everyone wants his money at once. The bank defaults. It has run out of "raiment."

Without the protection of state and federal government agencies, fractional reserve banking would face the prospect of bank runs, as lenders (depositors) would lose faith in overextended (multipally indebted) banks. The most important form of collateral a bank should have is its reputation for honesty and conservative (minimal fractional reserves) investing policies. In a truly biblical society, banks would be required to have 100% reserves.[85] In the early twenty-first century, however, a commercial bank's most important from of collateral in the United States is the legal backing of the federal government, which stands ready to repay depositors in bankrupt banks—a guarantee that is ultimately backed up by the fiat money of the Federal Reserve System, the nation's central bank.[86] We have guaranteed inflation by ignoring the warning against multiple indebtedness.

Fractional reserve banking is inflationary, for it creates credit money—money that is backed only by faith. When a person deposits his money on the condition that he can write a check and spend it, the inflation is about to begin. The banker loans, say, 90% of this money to a borrower. The borrower then spends the money. Whoever gets the borrower's money then either spends it or deposits it in *his* bank, and the process continues. As a theoretical limit (though not always in practice), for every dollar deposited in a banking system with 10% reserves, nine additional dollars will eventually come into circulation.[87] Thus, fractional reserve banking is inherently inflationary.[88] It also creates inflationary booms and their inevitable consequences, depressions.[89]

K. Warehouse Receipts

Say that a person brings in ten ounces of gold to a warehouse for safekeeping, and the warehouse issues a receipt for ten ounces of gold. The owner pays a fee for storing the money, but he presumably increases the safety of his holdings. The warehouse specializes in protecting money metals from burglars. The depositor pays for this

85. North, *Honest Money*, ch. 7.

86. On the operations of the Federal Reserve System, see North, *ibid*., ch. 9.

87. The process is described, step by step, in a free book which was published by the Federal Reserve Bank of Chicago, *Modern Money Mechanics*.

88. North, *Honest Money*, ch. 8.

89. Mises, *Human Action*, ch. 20.

specialized service. It is somewhat like a safety deposit box in a bank, except that the warehouse issues a receipt.

The receipt may begin to function as money. If people trust the warehouse, they will accept a receipt for all or part of this gold in payment for goods and services. A piece of paper authorizing the bearer to collect a specified amount of gold is just about the same as the actual ounce of gold. Besides, the gold is safer in storage, and paper is a lot more convenient than pieces of metal.

1. The Great Temptation

But a problem threatens the system. What if the warehouse owner recognizes that people in the community trust him? They know that he has a lot of guards watching everything, and that he has always been scrupulously honest. He then betrays this trust. He issues warehouse receipts for gold for which there is no gold in reserve. He then loans these receipts to borrowers. The receipts serve as money. People accept them in exchange for goods and services. These warehouse receipts are considered "as good as gold." Why? Because they are always exchangeable for gold upon demand. Just take the piece of paper to the warehouse, and get your gold. No problem!

But now there *is* a problem. There are more receipts for gold than there is gold in reserve to pay all the potential bearers on demand. These "demand deposits" are now vulnerable to that most feared of financial events, a *bank run*. Depositors who have receipts come down and demand repayment. There is not enough gold in reserve to meet the total demand.

The warehouse has placed itself in a position similar to that of the poor man who immorally secures loans from a dozen lenders on the basis of one piece of collateral. The warehouse owner has become a banker. He makes loans, for which borrowers agree to pay him interest in the future, along with a return of the principal. But the money, once loaned out, is gone until the day that repayment comes. The warehouse is vulnerable to a run on the deposits. The warehouse owes gold to the depositors. It is indebted to them. The deposits are legal liabilities to the bank. The bank has become multipally indebted.

2. The Creation of Money

The warehouse receipt circulates as if it were gold. Now, if gold serves as money in that society, the pieces of paper will also serve as money.

When these pieces of paper are pure money-metal substitutes, nothing changes. Physical gold is taken out of circulation and put into a warehouse. A piece of paper (a warehouse receipt) substitutes for the physical gold. No new money has come into circulation. No money has been taken out of circulation. Nothing fundamental changes, except for convenience. But if the warehouse owner writes up a warehouse receipt for gold when there is no new gold on deposit, he has thereby increased the money supply in the community. No one has come to the warehouse and deposited gold (taken it out of the day-to-day economy). So, the warehouse receipt is inescapably *inflationary*. It is an addition of money into the economy. I am defining "inflation" as "an increase in the money supply," the way dictionaries and economists defined it before 1940. The result is either: (1) rising prices, or (2) prices will not fall as far as they would otherwise have fallen.

Here is what normally would happen. The warehouse receipt circulates as if it were gold. If the warehouse owner is very cautious, and issues only a few extra receipts, probably nobody will find out. He will collect a little interest from borrowers, and everyone will be happy. Prices of goods (as denominated in gold) may rise only a little, or perhaps not at all. But other warehouse owners hear about their competitor. So. he is lending out money, is he? Well, two can play at that game. So can five or six. They all begin to issue their warehouse receipts to borrowers. They get in on the banking game. The money supply now starts to increase.

Prices start to rise, as denominated in paper money. But gold bullion's currency-denominated price does not rise, for all the unbacked receipts to gold are "as good as gold," and therefore supposedly identical to gold. The increase in circulation of these receipts does not initially push up gold's paper money-denominated price. So, those who hold gold get hurt initially. They see the paper money-denominated prices of other goods rising, but the market price of stodgy old gold is unchanged. It looks as though lots of newly mined gold is coming onto the market. But statistics are available to show that this is not true. So, the increase must be coming from the issuers of warehouse receipts. So, receipt-holders do the rational thing: they start buying goods and services before the price of these goods gets any higher. This puts upward pressure on prices, *as denominated in gold receipts*. That is to say, the market value of these receipts falls. Holders of these warehouse receipts try to pass them to other people. The decline in their market value continues.

Then what happens? Store owners continue to take a lot of paper receipts. They steadily deposit them with their local banks. Unlike the general public, bankers understand how the fractional reserve system works; at least, they understand the risks associated with issuing more receipts for gold than there is gold to redeem the receipts. *Bankers become increasingly suspicious of each other's gold receipts.* Too many receipts are being deposited by their customers. Many of the bankers know that there is not this much new gold coming into circulation. What if the public figures this out, too? They think to themselves, "Maybe it would be smart to cash in these receipts and demand delivery of gold, just in case some receipt-issuing competitor is hit with a bank run." They start demanding gold for the receipts issued by suspected banks. This places added downward pressure on the gold-related price of some banks' receipts, and possibly on many banks' receipts. Thus, the bankers have an incentive individually to pull the plug on their own fractional reserve scheme. So do market speculators. Specialist traders suspect that the price of gold will zoom when the deception is discovered, once the general public starts cashing in their warehouse receipts for their hoped-for gold. Thus, bankers and speculators begin the run on the banks' gold hoards—a run that the bankers fear the public will initiate if the bankers do not get in line first. They dearly want to get in line first. They want their gold before their fractionally reserved competitors run out.

This is why bankers and other sophisticated holders of gold receipts eventually go to the warehouses and start demanding their gold. They understand that at least some of the banks are technically insolvent. They are not sure which ones are weakest, so all the banks risk getting hit. Receipt-holders want their gold now, while they can still get it on demand. The run on the warehouses begins. Warehouse receipts for gold continue to fall in value compared to gold. Other people then rush down to get their gold (which is now rising in value compared to the warehouse receipts people are holding). The insolvent banks collapse, or else they are forced to delay repayment to receipt-owners.

This declaration of insolvency (insufficient reserves) is similar to the action of the wicked cloak-owner who has multipally indebted himself, and then leaves his creditors standing out in the cold. Thus, fractional reserve banking violates two biblical principles: (1) honest weights and measures, and (2) no multiple indebtedness. Fractional reserve banking is inflationary while people accept the checks, and deflationary when confidence in the banks finally collapses.

The evil of fractional reserve banking is not created by the phenomenon of interest (time preference) as such. It is not money-lending as such that is condemned by the Bible; rather, it is *borrowing with collateral that you do not have* and lending what you do not have (i.e., issuing receipts for commodities not held in reserve).

L. Interest-Seeking Loans

The prohibition against usury only appears in the context of charitable loans. The Bible does not prohibit loans that draw interest in business dealings, as Jesus' parable of the talents indicates (Matt. 25:27).[90]

Consider the problem faced by the person who argues, as medieval theologians argued, that all interest is immoral. What if the banker comes to the potential depositor and makes this offer? "Sir, you have money that you do not need for immediate consumption. I have several prospects for earning money on invested capital. Let us make a bargain. You loan me the money for a year. I, in turn, will see to it that your money gets into the hands of low-risk borrowers who have some excellent business opportunities, if they can only locate some capital at reasonable rates of interest. I will retain a percentage of the money they pay me for having located your money. This is my service fee. But you will do much better on this loan than you could if you loaned the money to people you know. I will save you the time, expense, and trouble of seeking out reputable borrowers. They come to me. That is my job." This sounds good.

"I must make this stipulation, however. For the agreed-upon period of the loan, you won't be able to get your money. The money will be used by the borrowers in their business operations. After all, we can't spend the same money at the same time! So, you forfeit the use of your money for a year; the borrower gets the use of your money for a year; he pays you for the privilege of using your money, and I will take a small percentage for my services. Everyone wins, including consumers who will benefit from the increased production."

This still sounds good. But the lender wants security. "Mr. Banker, I will agree to this on the following condition. I want security for my investment. I will buy an insurance policy from you. If the businessman you loan the money to should go bankrupt and be unable to repay me, then you will pay me the agreed-upon rate of interest anyway. I have to pay for this protection, of course, but you know so many

90. North, *Honest Money*, ch. 7.

businessmen, and can spread the investments of all depositors over so many different investments, that we all can gain greater security if you act as an insurance agent for our loans."

Reasonable? Certainly. It is so reasonable that the medieval prohibition against all interest payments, including business loans, was destroyed by just this kind of insurance contract. Medieval businessmen agreed to finance various maritime enterprises, but only if the shipper guaranteed repayment. Instead of taking a percentage of the profits from a particular ship's voyage, the less risk-oriented investors agreed to a fixed percentage (interest rate), leaving more profits (or more losses) to the adventurer.

Then third parties entered into the transaction, probably beginning in the fourteenth century. They agreed to act as insurers for ship owners who did not want to offer such a guarantee to investors, or who could not because they owned only one ship, and if its voyage failed, there was no way to repay the loans. This third-party loan was called the *contractus trinus*, and it eventually sank the usury prohibition to the bottom of the historical sea.[91] For what was the "insurer" offering, if not a guaranteed, fixed-interest return on loans? It may have been called shipping insurance, but it was identical to the medieval definition of usury. Yet it took over a century for even one scholastic commentator to spot the problem, and no one paid any attention to him.[92]

When the insurance feature of non-shipping business contracts was first introduced, it was initially rejected by the theologians. In partnerships, where there was shared risk of failure, interest payments had always been acceptable, but not in contracts where there was a guaranteed rate of return, irrespective of the outcome of the particular business or business venture. But, step by step, the resistance of the church to interest payments in business loans was weakened. By Luther's day, the old prohibitions were almost gone. Incredibly, by the late fifteenth century, the Roman Church had actually approved charitable loans (called "contracts") that paid 5 percent to 6 percent per annum, the *montes pietatis*.[93] The church by the late medieval period had reversed the original meaning of the biblical prohibition, which forbids interest from charitable loans, but which places no restraints on interest from business loans. The church prohibited interest from business loans and itself collected interest from charitable loans.

91. Noonan, *Scholastic Analysis of Usury*, pp. 202–3.
92. *Ibid.*, p. 203. His name was John Consobrinus.
93. *Ibid.*, p. 295.

The prohibition against interest could not be sustained. The future is always discounted. So. when we read in the Bible about loans without interest, we are talking about charitable loans, not business or consumer loans. We are talking about destitute borrowers, not high-flying upwardly mobile lawyers, accountants, professionals, and entrepreneurs.

M. The Moral Legitimacy of 100% Reserve Banking

While I normally do not insert lengthy expositions of the New Testament in my Old Testament commentaries, it is necessary that I devote considerable space to Jesus' parable of the talents. Christians who have been influenced by the "economists of love" and their zero-interest fantasies need to know that the New Testament teaches clearly that what I have said regarding interest is valid, that there is no biblical rule against interest-bearing loans. The following passage verifies this point:

> For the kingdom of heaven is as a man travelling into a far country, who called his own servants, and delivered unto them his goods. And unto one he gave five talents, to another two, and to another one; to every man according to his several ability; and straightway took his journey. Then he that had received the five talents went and traded with the same, and made them other five talents. And likewise he that had received two, he also gained other two (Matt. 25:14–17).

This parable is a kingdom parable. It follows the five-point covenant.[94] First, the master calls his servants before him (sovereignty). Second, he delegates authority to them as his economic representatives by transferring money to them (hierarchy/representation). Third, while it is not stated explicitly, he commands them to make a profit (law/dominion). We know this because two of the three immediately take steps to obey his implicit economic command. Fourth, he returns and imposes positive sanctions: blessings to the profitable servants. Fifth, the blessings that he gives them involve rulership (inheritance). He then imposes negative sanctions against the unprofitable servant, casting him into outer darkness (disinheritance).

This parable contains several theological messages, but the three main ones are these: first, God owns all things; second, He delegates

94. Ray R. Sutton, *That You May Prosper: Dominion By Covenant* 2nd ed. (Tyler, Texas: Institute for Christian Economics, [1987] 1992). Cf. Gary North, *Unconditional Surrender: God's Program for Victory*, 5th ed. (Powder Springs, Georgia: American Vision, [1980] 2010).

temporary control over these things to men; third, men are required to increase the value of whatever God has entrusted to them.

There are also secondary implications. First, the servants were required to act on their own initiative for a long period. The master was not present to tell them precisely what to do. He imposed *a profit management system of control, a bottom-up hierarchy*. It was not the management alternative, a non-market, top-down bureaucracy.[95] He wisely decentralized his investment portfolio before he departed. He allowed his subordinates to make their own decisions regarding the proper use of his capital. He subsequently held them legally responsible for the results.

1. Marxism as Covenant-Breaking

What about the person who takes no risks, buries his talent, and returns to the master only what he had been given initially? This man has produced losses. He is an evil, unprofitable servant. He has not performed according to minimum standards.

Like so many other incompetent, slothful people in history, the servant of the parable tries to justify his poor performance by blaming the master. He accuses the master of being a thief, or at least an unscrupulous exploiter. "Then he which had received one talent came and said, Lord, I knew thee that thou art an hard man, reaping where thou hast not sown, and gathering where thou hast not strawed. And I was afraid, and went and hid thy talent in the earth: lo, there thou hast that is thine" (vv. 24–25).

What was the slothful servant's accusation of the master? Clearly, he was accusing him of being a *capitalist*. The master is rich, yet he does not go into the fields to labor. He expects a positive return on his money, even though he goes away on a journey. In short, *the servant is an incipient Marxist*. He believes, as Marx did, in the labor theory of value. He also believes in Marx's exploitation theory of profits. Anyone who gets money without working for a living is nothing but an exploiter, living on the labor of the poor. The servant calls him "a hard man." (Theologically speaking, this is the covenant-breaker's accusation against God: God is an unfair exploiter.)

The master accepts the ideological challenge. He reminds the servant that he is indeed a hard man, meaning someone who has the lawful authority to establish standards of profitable performance, as well

95. Ludwig von Mises, *Bureaucracy* (New Haven, Connecticut: Yale University Press, 1944).

as the authority to hand out rewards and punishments. He admits freely to the servant that as a successful capitalist, he does not personally go into the fields to plant and reap, yet he reaps a profit. "His lord answered and said unto him, Thou wicked and slothful servant, thou knewest that I reap where I sowed not, and gather where I have not strawed" (v. 26). Then he tells the servant the minimum that he is entitled to, an interest return: "Thou oughtest therefore to have put my money to the exchangers, and then at my coming I should have received mine own with usury" (v. 27). Luke 19:23 reads: "Wherefore then gavest not thou my money into the bank, that at my coming I might have required mine own with usury?"

2. The Legitimacy of Interest

The King James translators used the English word *usury* to translate a Greek word that is more accurately translated as *interest*. This discussion of interest here is very revealing, for two reasons. First, this parable of God's kingdom acknowledges that *interest-taking is legitimate*. God eventually comes to every person and demands a positive return on whatever had been entrusted to him by God. The master had done without the use of his funds during his absence. He is therefore entitled to a minimum return: interest.

Second, *the parable clearly distinguishes between profits and interest*. The other two stewards each produced a profit of 100% on invested capital. They received the greater praise and greater visible rewards. The minimum required performance was an interest payment. The slothful servant had been unwilling to take even the minimal risk of handing the money over to specialists in money-lending, who would seek out entrepreneurs to lend the money to, entrepreneurs who would then pay a competitive return to the money-lenders on this passively managed investment.

In other words, the master's capital was supposed to become productive. Each steward had to become an entrepreneur, or else had to seek out an entrepreneur who would put the money to economically productive uses. The talent was not to sit in the earth; it was to perform a socially useful function.

3. The Entrepreneur and the Banker

The economic agent who is on the cutting edge of both prediction and production is the entrepreneur. The first two men in the parable were entrepreneurs. They went out and found ways of investing the

master's money that produced a positive rate of return. As the parable presents it, this rate of return was higher than what could have been earned by depositing the money with money-lenders. Thus, the entrepreneur is understood to be someone who bears much greater risk than someone who deposits money in a bank. The economist calls this form of risk *uncertainty*. It cannot be estimated in advance.[96] It involves guesswork, unlike the depositor who is promised a specific rate of interest when he deposits his money.

The only way that the banker can afford to pay out a promised return is because he successfully seeks out final borrowers (entrepreneurs) who produce an even higher rate of return. The banker makes his living on the difference between the interest payment that the final borrower pays to him and whatever he in turn pays to the depositors. He makes it "on the spread."

The future is uncertain to men. We do not know it perfectly. We barely know it at all. We see the future as though we were peering through a darkened glass. Nevertheless, all of life involves forecasting. There is no escape. We must all bear some degree of uncertainty. But some people are willing to bear more of it than others, and of these, some are more successful in dealing with it. In economic terminology, some produce greater profits than others. Profit is a *residual* that remains, if at all, only after all costs of the business have been paid, including interest.

4. Banking: Reducing Uncertainty

The banker is able to offer a special service to investors. He can diversify depositors' uncertainty by lending to many people—people who, like the servants in the parable, have performed successfully in the past. They have "a track record," to use the language of horse racing. By lending out money to many borrowers, the banker thereby converts a portion of the depositors' uncertainty into risk, meaning from the statistically incalculable to the statistically calculable. The banker is like an insurer. In fact, in the Middle Ages, the bank was an insurance company, because both church and state had made it illegal for Christians to ask or pay interest.[97] The modern profession of banking grew out of the marine insurance guild, which was legal in the Middle Ages.[98]

96. Frank H. Knight, *Risk, Uncertainty and Profit* (Boston: Houghton Mifflin, 1921).

97. Jews could legally lend to Christians, which is why Jews from the middle ages onward have been found in banking. It was a near-monopoly granted to them by Christian legislators.

98. Noonan, *Scholastic Analysis of Usury*, ch. 10.

What does an insurance company do? Its statisticians (actuarians) calculate the likelihood of certain kinds of undesirable events in large populations. These unpleasant events cannot be statistically calculated individually, but they can be calculated collectively if the population involved is large enough. The seller of insurance then persuades members of these large populations to pay periodic premiums so as to "pool" their risks. When one member of the pool suffers the event that has been insured against, he is reimbursed from the pool of assets. Hence, some of life's inescapable and individually incalculable uncertainties are converted to calculable risk by means of diversification: "the law of large numbers."

The same is true of banking. Borrowers will seldom all go bankrupt at once. Most borrowers will repay their debts as specified in their loan agreements. Bad loans are more than offset by the good ones. Thus, the banker can offer a fixed rate of return to depositors. In almost all cases, depositors will be repaid as promised because most of the borrowers repay their loans as promised. The exception is in a depression, when banks fail. Depressions are the result of prior monetary inflation, which in our day means fractional reserve banking.[99]

The master in this parable protects his funds in much the same way. He seeks out a group of potential entrepreneurs. He gives each of them an amount of money to invest. He makes predictions regarding their future performance based on their past performance, and then he allocates the distribution of his assets in terms of this estimation. He protects his portfolio by diversification.

He is not an interest-seeking banker, however. The money he invests is his own. He is not acting as the legal agent of other depositors. He legally claims all of the profits. He does not contract with borrowers who agree in advance to pay him a fixed rate of interest. The entrepreneurs are strictly his legal subordinates, unlike the relationship between banker and borrower.

Yet in the Old Testament era, there was a relationship of economic subordination between lender and borrower: the borrower was servant to the lender (Prov. 22:7). This economic subordination was based on the legal authority of the lender to place the borrower in indentured servitude for up to six years (Deut. 15). Because the borrower today can lose his collateral or his reputation, there is still a mild form of economic subordination in every debt contract. Debt is

99. Mises, *Human Action*, ch. 20.

still a threat, even though it can also be very productive. It is like fire: a useful tool, but a danger if it gets out of control.

5. The Forfeited Productivity of Inaction

The master in the parable is outraged by the coin-burying servant. The parable is intended to show the subordinate (indebted) position of all men before God. The servant was cast into outer darkness because he was an unprofitable servant (v. 30). The parable stands as a warning to all men because the Bible teaches that all people are unprofitable servants (Luke 17:10).[100] This is why we need a profitable servant as our intermediary before God, our perfect sin-bearer. But to understand our relationship of indebtedness to God, the parable's language must be taken seriously. We cannot make accurate theological conclusions about the broader meaning of the parable if the symbolic reference points of the parable are themselves inaccurate.

There is no question that the master not only approves of taking interest, he sends the servant to the nether regions for not taking it. This is strong imagery! The interest payment belongs to the master. By having refused to deposit the master's money with the moneylenders, the servant has in effect stolen the master's rightful increase. The servant was legally obligated to protect the master's interests, and interest on his money was the minimum requirement. He failed. The master's judgment of the servant's past performance had been accurate; he was entitled to only one talent initially, for he had not demonstrated competence previously. Had he been given more, he would have wasted more. The idea that the interest return was the master's minimum expectation leads us to the question of the origin of interest. Why did the master deserve an interest return? Because he had possession of an asset that could have been put to productive use, but was not. He had forfeited an economic return that could have been his. This concept of the forfeited return appeared in medieval economic literature as the doctrine of lucrum cessans. The owner of money who could have made a profit by investing it elsewhere, but who loaned the money to someone, was said by some theologians to be entitled to an interest payment from the borrower because of the income he had forfeited. Interest compensated the lender for the opportunity he had missed.

This raises the whole question of cost. What is the cost of any action or any purchase? It is the value of whatever has to be forfeited,

100. Gary North, "Unprofitable Servants," Biblical Economics Today (Feb./March 1983).

i.e., the value of the most valuable foregone use. If I do one thing with my money, I cannot do something else with it. The value of whatever I would actually have done but did not do is what it costs me to do whatever I do.

The lender who transfers to another person the use of an asset, monetary or nonmonetary, has given up whatever other opportunities might have been available to him. There are always other opportunities available. There is therefore always a cost to the lender of lending money.

The master in the parable was being gracious to the servant. He recognized from the beginning that the man was not very competent. The master did not tell the servant that he had failed because he had not made 100% on the money entrusted to him. He told him only that he had failed because he had not earned an interest payment. This is the least that the master could have expected.

The master probably could have doubled his money by entrusting it to either of the first two servants. But he had sought greater economic safety instead. He had adopted the principle of risk reduction through portfolio diversification. You get a lower rate of return but a more sure return. But the master had been cheated. He could have deposited his money directly with the money-lenders instead of giving it to the servant. That would have been safer—greater diversification through the bank—and it almost certainly would have produced a positive rate of return, however low. Instead, he received only his original capital in return.

He had forfeited his legitimate interest payment because he had transferred the asset to the slothful, risk-aversive servant. This servant is a model of wickedness, not because he was actively evil, but that he was passively unproductive. He did nothing with that which had been entrusted to him. Doing nothing is sufficient to get you cast into hell, when doing the minimum would at least quench the master's wrath. (Warning: only one man in history has ever performed this minimum: Jesus Christ.)

6. Interest and Capitalization

Is interest-taking morally legitimate? This debate has been going on since at least the days of Aristotle, who called money sterile and interest illegitimate. But if money is sterile, why have men throughout history paid to gain access to its use for a period? How are so many people fooled into paying for the use of a sterile asset? Besides, inter-

est is a phenomenon of every loan, not just loans of money. Modern economics teaches this; so does the Bible.

It is obvious that the phenomenon of interest is not confined to money. Aristotle was incorrect. The phenomenon of interest applies to every scarce economic resource. We always discount future value. Whatever we own in the present is worth more to us than the promise of owning that same item in the future. Promises to repay can be broken (the risk factor), but more to the point, the present commands a price premium over the future.[101]

We live in the present. We make all of our decisions in the present. We enjoy the use of our assets in the present. While wise people plan for the future by purchasing streams of future income by buying assets that they expect to produce net income over time, they purchase these hoped-for streams of income at a discount. The rate of discount that we apply to any stream of expected future income is called the rate of interest. Mises called it time-preference.

Thus, the rate of interest is not exclusively a monetary phenomenon. Interest is a universal discount that we apply to every economic service that we expect to receive in the future. We buy a hoped-for stream of rents; we can buy them for cash; but we expect a discount for cash. This purchase at a discount for cash is called capitalization. It is the heart of capitalism. It is the heart of every society more advanced than the utterly primitive.

The person who lends money at zero interest is clearly forfeiting a potential stream of income. He will seldom do this voluntarily, except for charitable reasons. The ownership of the asset offers him an expected stream of income: psychological, physical, or monetary. If it did not offer such a stream of income, it would be a free good. It would not be demanded. It would therefore not command a price. The owner expects to receive a stream of income. He chooses the degree of risk that he is willing to accept, and he then refuses to lend the asset for less than the interest rate appropriate to this degree of risk.

The borrower compensates the owner for the use of the asset, or its exchange value, for a specified period of time. He borrows it only because he values its stream of services more highly than he values its rental fee (interest). He expects to make a profit of some kind on the temporary exchange of control over it.

101. Mises, *Human Action*, ch. 19.

Summary

Non-fractional reserve banking and the taking of interest are both biblically legitimate. The parable of the talents should be sufficient proof for anyone who is not trying to make an overnight theological reputation for himself based on the promotion of the utterly fantastic. We should take the Bible seriously in preference to Aristotle, and also in preference to the economics of love.[102] The capitalization of long-term assets, including human services is biblically legitimate.

Again, I acknowledge that men, in their quest for autonomy from God, are willing to become slaves of sin, and therefore in principle slaves of other men. I recognize the New Testament principle that it is best to owe no man anything (Rom. 13:8a). I also recognize that modern economics has promoted the ideal of perpetual debt for perpetual prosperity, and that a world so constructed will eventually collapse. But to place temporal limits on the judicial enforceability of the discounting of future long-term human services, because the Bible requires that we restrain man's overconfidence about his long-term future, is not the same as denying that there is an inescapable discounting (capitalization) process between the present value of present goods and the present value of expected future goods.

With respect to capitalized debt, if both the lender and the borrower agree that a piece of collateral is acceptable in exchange for the defaulted loan, then the debtor is not in debt, net. He has an offsetting asset. He wants the money in cash; the lender would rather have the money over time. The existence of the collateral reduces the likelihood that the debtor will default. The debtor is therefore not a servant of the lender in this case. Nevertheless, if the loan involves the potential loss of a man's home, meaning his status and his own self-evaluation, then he is in a form of bondage. But if he owns investment assets (a house, for example) with a mortgage on it, and he risks losing the house if he defaults, then this voluntary transaction is merely a shifting of risk to the liking of both transactors. The lender feels better about the future with a stream of income guaranteed by the value of the collateral. The borrower feels better about owning the collateral and paying the money. Neither is a servant; neither is a master.[103]

---

102. See Appendix J: "Lots of Free Time: The Existentialist Utopia of S. C. Mooney."

103. Warning: do not take a loan if it is not 100% collateralized by an asset you are willing to lose.

Conclusion

The confusion throughout the Middle Ages and early modern period concerning the evil or illegitimacy of interest came as a result of not paying attention to the biblical texts, and then mixing in the fallacious economic opinions of Aristotle. The Bible is clear: there is to be no interest return from money loaned to the poverty-stricken neighbor. This applies to money loans or loans of goods. But the definition of poverty must be the willingness of the borrower to serve as a bondservant of the lender should he be unable to repay the loan. The larger the loan, the longer the term of service that will be required to repay it. Ordinarily, though, charity loans would be small, and the time to repay would probably not be seven years, unless it was for something like the payment of physicians' bills or lawyers' fees. There is no prohibition on interest returns from loans to distant pagans or from business loans. The term translated as "usury" in the King James Bible is narrow and precise in its application: interest derived from morally mandatory charity loans, either from poverty-stricken righteous brothers in the faith or from resident aliens who live alongside believers in nations that are formally covenanted under the God of the Bible. The word does not mean "exorbitant" interest. That usage was the product of the early modern period, and is not the product of biblical analysis. Any interest taken from a loan to the poor brother in the faith is usurious; no maximum rate of interest from other loans is ever mentioned in the Bible. Interest is inescapable. It is not a uniquely monetary phenomenon. It is the discount we apply to future goods as against present goods. This process goes on continually, whether or not there is a money market, whether or not published loan rates are available. We are mortal. We die. We live in an uncertain world. We cannot know the future. Thus, we discount the value of future goods, and we also confront the phenomenon of risk whenever we defer present consumption. If nothing else, we may not live long enough to enjoy the future. Fractional reserve banking is prohibited in the Bible, for two reasons: (1) it violates the prohibition against false weights and measures because it creates money, and (2) it violates the principle against multiple indebtedness. But interest-producing loans on a truly deferred basis—no check-writing on money already loaned out are biblically valid.

50

IMPARTIAL JUSTICE AND LEGAL PREDICTABILITY

> *Thou shalt not raise a false report: put not thine hand with the wicked to be an unrighteous witness. Thou shalt not follow a multitude to do evil; neither shalt thou speak in a cause to decline [bend] after many to wrest judgment: Neither shalt thou countenance a poor man in his cause.*
>
> EXODUS 23:1–3

> *Thou shalt not wrest the judgment of thy poor in his cause. Keep thee far from a false matter; and the innocent and righteous slay thou not: for I will not justify the wicked.*
>
> EXODUS 23:6–7

God is the cosmic Judge. "And the heavens shall declare his righteousness: for God is judge himself. Selah" (Ps. 50:6). "A father of the fatherless, and a judge of the widows, is God in his holy habitation" (Ps. 68:5). "But God is the judge: he putteth down one, and setteth up another" (Ps. 75:7). "Arise, O God, judge the earth: for thou shalt inherit all nations" (Ps. 82:8).

Few doctrines alienate modern man as much as this one does. I believe that the doctrine of final judgment, above all others, is the biblical doctrine that most repels the unbeliever. The rise of modern evolutionary science can be traced back to the idea that infinite space and nearly infinite time have shoved God out of the universe.[1] Man wants some other judge besides God: either the heat death of the universe or cosmic crushing, in eternal cycles of creation and con-

1. Gary North, *Sovereignty and Dominion: An Economic Commentary on Genesis* (Dallas, Georgia: Point Five Press, [1982] 2012), pp. 359, 381, 391.

traction.[2] By default, the modern state becomes the judge for man, substituting its temporal judgments for God's.

A. No Respect for Persons

When He judges men, God does not respect persons. He respects His covenant law, not the social or economic position of the person being judged, whether rich or poor. This concept of highly personal but even-handed justice is basic New Testament doctrine. "For there is no respect of persons with God" (Rom. 2:11). "And if ye call on the Father, who without respect of persons judgeth according to every man's work, pass the time of your sojourning here in fear" (I Peter 1:17). It is also Old Testament doctrine, reflected in the requirement that human judges are to honor God by imitating Him in His capacity as Judge. "Ye shall not respect persons in judgment; but ye shall hear the small as well as the great; ye shall not be afraid of the face of man; for the judgment is God's: and the cause that is too hard for you, bring it unto me, and I will hear it" (Deut. 1:17). "Thou shalt not wrest judgment; thou shalt not respect persons, neither take a gift: for a gift doth blind the eyes of the wise, and pervert the words of the righteous" (Deut. 16:19). "These things also belong to the wise. It is not good to have respect of persons in judgment" (Prov. 24:23).

There was a time when this doctrine of even-handed justice in terms of biblical law alienated the rulers of the world because they served as agents of the rich, who would not countenance the thought of honest judgment for the poor. James warned against this very temptation within the church:

> My brethren, have not the faith of our Lord Jesus Christ, the Lord of glory, with respect of persons. For if there come unto your assembly a man with a gold ring, in goodly apparel, and there come in also a poor man in vile raiment; And ye have respect to him that weareth the gay clothing, and say unto him, Sit thou here in a good place; and say to the poor, Stand thou there, or sit here under my footstool: Are ye not then partial in yourselves, and are become judges of evil thoughts? Hearken, my beloved brethren, Hath not God chosen the poor of this world rich in faith, and heirs of the kingdom which he hath promised to them that love him? But ye have despised the poor. Do not rich men oppress you, and draw you before the judgment seats? Do not they blaspheme that worthy name by the which ye are called? If ye fulfil the royal law according to the scripture, Thou shalt love thy neighbour as thyself, ye do well: But if ye have respect to per-

2. Gary North, *Is the World Running Down? Crisis in the Christian Worldview* (Tyler, Texas: Institute for Christian Economics, 1988), ch. 2.

> sons, ye commit sin, and are convinced of the law as transgressors (James 2:1–9).[3]

Today, on the other hand, there are many rulers and would-be rulers who refuse to tolerate this biblical doctrine, because it sounds as though God is on the side of the rich simply because He will not bend judgment in the name of the poor. Their court theologians and would-be court theologians dutifully reinterpret the biblical texts to fit the rulers' socialist goals: "The God of the Bible is on the side of the poor just because he is *not* biased, for he is a God of impartial justice."[4] The fact is, however, it is the idea that *rulers are under God and under the obligation to enforce God's revealed law* that most antagonizes rulers, not to mention their court theologians. Whether they represent the poor, the rich, or the "middling sort," rulers refuse to represent God's court of justice. To do so would point to God as final Judge, and this doctrine is too repulsive for autonomous man.

B. Judicial Stability

God's justice is the goal for the entire commonwealth, and all members of society are personally responsible before God to meet all of the demands of His law. Exodus 23 provides us with some specific details of what constitutes biblical justice. False reports are prohibited (23:1, 7). Evil acts by men in crowds are banned (23:2). Favoritism of the rich or poor is banned (23:3, 6). Animals that belong to a hated neighbor must be assisted and returned to him (23:4–5). The acceptance of bribes by leaders is banned (23:8). Oppression of strangers is prohibited (23:9). God's law is to rule over the affairs of men, irrespective of anyone's personal emotions concerning the "worthiness" of a man or his cause. All men are worthy to receive God's justice, just as all men are worthy of the wrath to come.

God's justice is *constant*.[5] It is constant because it is *theocentric*.[6] It reflects the unchanging character of God. God's justice on judgment day will be reliable. Therefore, human judges are required by God to strive to become analogously reliable. They are to render decisions in terms of the fixed principles of biblical law.

3. Gary North, *Ethics and Dominion: An Economic Commentary of the Epistles* (Dallas, Georgia: Point Five Press, 2012), ch. 34.

4. Ronald J. Sider, *Rich Christians in an Age of Hunger: A Biblical Study* (Downers Grove, Illinois: Inter-Varsity Press, 1977), p. 84.

5. James B. Jordan, *The Law of the Covenant: An Exposition of Exodus 21–23* (Tyler, Texas: Institute for Christian Economics, 1984), pp. 11–17.

6. *Ibid.*, pp. 1–3.

This does not mean that the application of the law's principles is essentially a near-mechanical operation. While the principles of biblical justice do not change, the *applications* of God's general principles in specific instances can change over time, for history has meaning.[7] Christ's replacement of the Mosaic ritual ordinances with new ones, baptism and communion, is indicative of the nature of the relationship between God's law and history.[8] With the coming of Christ, the last and greatest high priest—a member of the tribe of Judah (Matt. 1:2), not Levi—God changed some of the specifics of outward and inward obedience to the permanent principles He set forth.[9] He annulled through perfect fulfillment the jubilee laws governing land and slaves in Israel (Lev. 25:44–46;[10] Luke 4:18–21[11]). He transferred His kingdom to a new nation (Matt. 21:43). History is not static. Neither Jews nor Christians worry today about eating from the tree of the knowledge of good and evil; that transgression is behind us. Jews and Christians do not worry about the absence of animal sacrifices in the temple. The principle of obedience nevertheless is with us still, and will be throughout eternity, in heaven and hell, in the resurrected new heavens and new earth, and also in the lake of fire.

Men discover new areas of dominion, for good and evil, that were not previously covered by judicial interpretations in courts of law. But this does not invalidate the unchanging judicial principles of biblical law. Men are responsible for the correct matching of the Bible's case laws to specific circumstances, either before they take action as individuals (self-government), or as judges who hear cases after others have taken action and are in court because of it.

C. Personalism and Intuition

The dispensing of justice is not an impersonal activity, meaning a computerized, mathematical operation, because men serve as both judges and judged, and men are not machines. The affairs of men are not purely mechanical or numerical; neither are their formal legal

7. *Ibid.*, pp. 12–17.

8. Cf. Greg L. Bahnsen, *Theonomy in Christian Ethics,* 2nd ed. (Nutley, New Jersey: Presbyterian & Reformed, [1977] 1984), ch. 9.

9. Jews no longer sacrifice bulls and lambs to God, indicating that they, too, recognize this relationship between unchanging law and changing history.

10. Gary North, *Boundaries and Dominion: An Economic Commentary on Leviticus*, 2nd ed. (Dallas, Georgia: Point Five Press, [1994] 2012), ch. 30.

11. Gary North, *Treasure and Dominion: An Economic Commentary on Luke*, 2nd ed. (Dallas, Georgia: Point Five Press, [2000] 2012), ch. 6.

conflicts.[12] fitting case laws to circumstances necessarily involves reasoning by analogy, frequently an intuitive process—a process beyond the scope of mathematics.[13] Hayek wrote: "That the judge can, or ought to, arrive at his decisions exclusively by a process of logical inference from explicit premises always has been and must be a fiction. For in fact the judge never proceeds in this way. As has been truly said [by Harvard's Dean Roscoe Pound], 'the trained intuition of the judge continuously leads him to right results for which he is puzzled to give unimpeachable legal reasons.'"[14] Nicholas Georgescu-Roegen, perhaps the most brilliant epistemologist that the economics profession has ever seen, described the problem: "And it is because society and its organization are in constant flux that genuine justice cannot mean rigid interpretation of the words in the written laws."1[15]

1. Inescapable Intuition

Human reasoning cannot function without intuition. Reason can be *progressively disciplined* by either covenant-keeping intuition or covenant-breaking intuition, but in either case, reasoning is not a mechanical-numerical process. "Between the plasticity of the brain and the mechanistic structure of a computer there is an unbridge-

12. One naive attempt to find an impersonal program for dispensing justice by computer was announced in 1983. General Robotics Corp., a private firm, set up an experiment in 1983 to offer people an "electronic jury." People send in information concerning pending cases (federal criminal law) and have a computer analyze these cases. The president of the company, an engineer, stated that federal cases are the easiest to quantify. A spokesman for the firm announced: "We are attempting to replace the warm, living, human juries with a cold, dead, robot jury so that citizens may have a plain and speedy adjudication or arbitration of their disputes. Our slogan is 'Equal Justice Under the Law,' which will be a welcome relief to anyone who has ever had a trial by jury." *Infoworld* (Feb. 28, 1983), p. 1. The experiment failed the test of the marketplace: profit and loss. It had to. Men think analogically; electronic computers do not think at all; computer programs are structured numerically (digitally). As computer programmer A. L. Samuel said so well, computers "are giant morons, not giant brains." Samuel, "Artificial Intelligence: A Frontier of Automation," *Annals of the American Academy of Political and Social Science*, CCCXL (March 1962), p. 13.

13. Higher mathematics, as with all human speculation, also involves the use of intuition. The popular understanding of mathematics ignores this. fitting the aesthetic purity of mathematics to the external world also involves such things as faith, genius, and insight. It is not a predictable, automatic process, and therefore not "mathematical."

14. F. A. Hayek, *Law, Legislation and Liberty*, vol. I of *Rules and Order*, 3 vols. (Chicago: University of Chicago Press, 1973), pp. 116–17. Hayek went on to say that "The other view is a characteristic product of the constructivist [top-down planning] rationalism which regards all rules as deliberately made and therefore capable of exhaustive statement" (p. 117).

15. Nicholas Georgescu-Roegen, *The Entropy Law and the Economic Process* (Cambridge, Massachusetts: Harvard University Press, [1971] 1981), p. 82.

able gap. . . ."[16] Intuition is the inescapable element of the incalculable in all human thought and decision-making. Intuition connects the "steps" in the human reasoning process, a process which in fact cannot be shown to consist of a series of discrete, identifiable steps. The process of reasoning is a continuum, and it is applied to change over time, which is also a continuum.[17] Georgescu-Roegen wrote, "The intuitive continuum belongs to that special category of concepts about which we can discourse with each other without being able to define them."[18] This statement does not go far enough: *all* logical concepts possess this same quality of not being able to be defined precisely. The human mind is not omniscient; absolutely precise definitions are always elusive to man's mind. The mathematician-philosopher Alfred North Whitehead said, "As soon as you leave the beaten track of vague clarity, and trust to exactness, you will meet dificulties."[19] You will meet more than dificulties: you will meet failure. As Georgescu-Roegen noted, "any vocabulary is a finite set of symbols."[20] The structure of vocabulary "does not have the power of the continuum."[21] In short, there is an inescapable element of *uncertainty* in exercising judgment. "A measure for all uncertainty situations, even though a number, has absolutely no scientific value, for it can be obtained only by an intentionally mutilated representation of reality. We hear people almost every day speaking of 'calculated risk,' but no one yet can tell us how he calculated it so that we could check his calculations."[22]

Men are not omniscient. They cannot know another man's heart (Jer. 17:9). Only God knows men's hearts (Jer. 17:10). "But the LORD said unto Samuel, Look not on his countenance, or on the height of his stature; because I have refused him: for the LORD seeth not as man seeth; for man looketh on the outward appearance, but the LORD looketh on the heart" (I Sam. 16:7). But we do not need to render perfect justice in order to render adequate justice. We render preliminary justice, and leave the rest to God. This is why capital punishment is required by God: it turns over the person immediately to the highest court of all, the throne of God. God does not wait for

16. *Ibid.*, p. 90.
17. *Ibid.*, pp. 60–72.
18. *Ibid.*, p. 66.
19. Whitehead, *Science and Philosophy* (New York: Littlefield, 1948), p. 136; cited in *ibid.*, p. 90.
20. *Ibid.*, p. 73.
21. *Idem.*
22. *Ibid.*, p. 83.

a judicially convicted person's "biological time clock" to deliver him into His presence for God's preliminary judgment.[23]

2. Inescapable Casuistry

Despite the impossibility of man's ability to declare and impose perfect, comprehensive judgment, judges must not be consciously partial in the inescapable process of fitting biblical law to public facts regarding historical circumstances. Judges must not give men legitimate reasons to complain that biblical law is not a trustworthy guide for rendering judgments in history. God's law *alone* is trustworthy for rendering judgments in history, for at least three reasons. first, it reflects certain aspects of God's nature, both ethical and ontological (being). His law is permanent. Second, it is constructed to meet the needs of men, who in turn are made in the image of God. God designed the law for men and their circumstances. Third, biblical law fits the creation and therefore serves as man's tool of dominion. *Biblical law links God, man, and the creation in a hierarchical chain of command*.[24]

The doctrine of creation provides us with a concept of *transcendent law*. The source of all law is external to the universe. It can therefore be permanent in the face of changes within the universe. This view of law stands in radical contrast to the Darwinian view of law as totally immanent to—immersed in —the creation. Darwin and his intellectual heirs have explained all life in terms of random changes: random mutations and adaptations within a framework of random, or nearly random, impersonal environmental change.[25] (Post-Heisenberg science has increasingly abandoned the Newtonian view of a deterministic, predictable environment.)[26] All human laws in a Darwinian world

23. This judgment by God is preliminary because God confines a soul either to heaven or hell, both of which are temporary places of residence. final judgment comes at the resurrection, when body and soul are reunited perfectly, and people are sent either into the eternal lake of fire (Rev. 20:14–15) or into the final manifestation of the new heaven and new earth (Rev. 21).

24. Gary North, *Unconditional Surrender: God's Program for Victory*, 5th ed. (Powder Springs, Georgia: American Vision, [1980] 2010), ch. 3:B. See also Ray Sutton, *That You May Prosper: Dominion By Covenant*, 2nd ed. (Tyler, Texas: Institute for Christian Economics, [1987] 1992), ch. 2.

25. North, *Sovereignty and Dominion* Appendix A:F, Appendix C:F.

26. German physicist Werner Heisenberg in 1927 announced an important finding of modern physics, the *uncertainty principle*. An undergraduate college textbook in 1960 described it in language reasonably close to English: "This principle, which is derivable from wave mechanics, says that, irrespective of technical errors of measurement, it is *fundamentally impossible* to describe the motion of a particle with unlimited precision. We may specify the position of a particle with increasing precision, but in so doing we introduce uncertainty into its motion, in particular into its momentum. Converse-

must be relative. Law is part of the overall evolutionary process. Any correspondence between the *one* (general law) and the *many* (specific circumstances) may last for no longer than an instant. Darwinism produces *process philosophy:* the assertion of a world devoid of permanent standards.[27] A sea of randomness engulfs Darwin's universe, threatening to overcome islands of permanence. Randomness also engulfs the mind of self-professed autonomous man.[28]

D. Legal Predictability

Justice is simultaneously personal and impartial. God does not respect persons, a doctrine that is repeated again and again in Scripture, as we have seen.[29] *Cosmic personalism*, meaning God's comprehensive judgment of every fact in the universe, requires *judicial impartiality* for human law courts. Men are to think God's thoughts after Him, within the limits of their creaturehood. Truth is placed before friendship or hatred, class or status. Biblical law is not class law, contrary to Marxists. It is not the product of class conflict. It is accurate to say that the *arena* of biblical law's application is the historical product of ethical conflict between man and God. Conflicts between men are a result of

---

ly, we may observe the momentum with increasing precision, but then we introduce uncertainties into its position." G. S. Christiansen and Paul H. Garrett, *Structure and Change: An Introduction to the Science of Matter* (San Francisco: Freeman, 1960), p. 558. This observation about the limits of observation in the world of subatomic physics led to another disconcerting discovery: the light wave that enables the scientist to observe phenomena itself upsets the observation (or makes observation impossible) at the level of subatomic physics. The positions between electrons are far smaller than the smallest light wave, so the light serves as a kind of blanket that covers up what is going on. If smaller gamma rays could ever be employed in a "microscope," these would strike the electrons and "kick" them, thereby changing their momentum. In short, *the observer interferes with the observed*. "A quantitative analysis of this argument shows that beyond any instrumental errors there is, as stated by the uncertainty principle, a residual uncertainty in these observations." *Ibid*., p. 559. As a result, the optimism of scientists regarding Newtonian mechanics as a perfect description of the physical universe has disappeared. But this textbook summary for undergraduates avoided the real problem of modern quantum mechanics. The uncertainty of the universe is now said to be fundamental, and not just our uncertainty of measurement. The unobserved "real world" is said to be statistical rather than physical at the subatomic level. See North, *Is the World Running Down?*, ch. 2.

27. North, *Sovereignty and Dominion*, pp. 385, 399, 437–38, 448 , 50, 451, 451–55, 458–60, 472, 540–41.

28. Cornelius Van Til, *The Defense of the* Faith, 2nd ed. (Phillipsburg, New Jersey: Presbyterian & Reformed, [1955] 1967), ch. VII:I. For a detailed defense of this thesis from a humanistic viewpoint, see William Barrett, *Irrational Man: A Study in Existential Philosophy* (New York: Doubleday Anchor, [1958] 1962).

29. Deut. 10:17; II Chron. 19:7; Job 34:19; Acts 10:34; Rom. 2:11; Gal. 2:6; Eph. 6:9; Col. 3:25; I Peter 1:17.

this ethical conflict between man and God (James 4:1), but these conflicts are not the origin of biblical law. Biblical law, to use Marx's terminology, is not the "superstructure" that has been produced by the "substructure" of class conflict. The legitimacy and eternally binding character of God's law have nothing to do with the success or failure of an economic class. Neither rich nor poor can legitimately claim special privileges under biblical law. Therefore, neither rich nor poor can legitimately claim the right to favorable arbitrary treatment by the judges. Judicial arbitrariness is to be reduced to a minimum.

The characteristic feature of biblical justice is therefore its *predictability*. Residents in a biblical commonwealth have access to the law. They can understand it. They can exercise self-government in their relationships, for they know what it means to transgress the law. They know what God expects from them positively, and they know the sanctions He will bring against them negatively. This same confidence in, and understanding of, biblical law can be transferred to society's law-enforcement system. Men know that the judges are restrained by the same law that restrains them. They know what to expect from their earthly judges because they know what to expect from their heavenly Judge. He has revealed Himself to them in His law.

1. The Jury System

To insure that the decisions of the courts do not become dependent on professional lawyers and judges, a free society establishes juries. The priesthood of all believers is the theological foundation of juries: every redeemed person is a Levite. The Levites studied the law and gave advice to the courts. In biblical civil society, every citizen is a judge. Citizens can make arrests, and citizens sit on juries, declaring other people's guilt or innocence. In order to insure that common people retain in their possession the authority to interpret and apply civil law (including criminal law), the doctrine of double jeopardy comes into play. Once a person has been declared innocent, he may not be retried. The historic roots of this judicial procedural principle can be found in the Bible.[30] The modern practice in American courts of allowing civil suits against people declared innocent of criminal charges is perverse.

Any weakening of the right of trial by a jury of one's peers—including "scientific screening" of jurors by attorneys—is an assault on the integrity of the predictability of the law. It is an attempt to make

30. Greg L. Bahnsen, "Double Jeopardy: A Case Study in the Influence of Christian Legislation," *Journal of Christian Reconstruction*, II (Winter, 1975), pp. 40–54.

law the plaything of full-time legal technicians rather than the jury's application to trial court evidence of general laws that can be understood by the vast majority of those who are covenantally under its provisions. This is why judges are to be selected in terms of their reputation for honesty (Ex. 18:21). Ethics, not mental gymnastics by highly trained legal specialists, is God's screening system for judges. This is also why God required that His law be read publicly to all residents of Israel during the year of release, once every seven years (Deut. 31:9–13).[31] He wants people to know in advance what He requires of them ethically.

2. Judges and Justice

Law enforcement is ideally to be immune to a judge's personal connections to the accused, whether pro or con. Enemies deserve justice. So do close relatives. All men deserve justice, meaning the impartial (but never impersonal) application of biblical law to every aspect of their lives—judgments imposed not just by the state, or even primarily by the state, but by all forms of government, including self-government. The emotions of the judge are not the issue; *external justice* is the issue. An emotion-filled judge is commanded by God to provide the same impartial judgment which would be rendered by a disinterested judge. The issue is not emotion; the issue is self-government under biblical law. God is emotional. He *hates* covenant-breakers as passionately as He loves covenant-keepers. How else could He create the eternal lake of fire for His enemies? Out of His love for them? Hardly. Why else would He recommend that we do good deeds to our enemies, so that we might heap coals of fire on their heads (Rom. 12:20)? David could say, "Do not I hate them, O LORD, that hate thee? And am I not grieved with those who rise up against thee? I hate them with perfect hatred: I count them mine enemies" (Ps. 139:21–22). Nevertheless, to render anything less than impartial justice is to impugn the character of both the law and the Law-giver.

The doctrine of the atonement affirms this principle of impartiality despite emotion. The demands of the law must be met. God the Father spared not His own Son, despite His emotional involvement with His Son. Emotions may be present in certain judicial cases, but they are not to influence the application of God's standards to these cases.

We must distinguish *feeling* in judicial administration—feeling in

31. Gary North, *Inheritance and Dominion: An Economic Commentary on Deuteronomy*, 2nd ed. (Dallas, Georgia: Point Five Press, [1999] 2012), ch. 75.

the sense of intuition—from *emotions* regarding the people who are being judged. Feeling is inescapable in the judicial process, meaning the informed yet intuitive "feel" for the connections between permanent law and specific cases which a judge develops after years of studying and hearing cases. This sort of feeling is inherent in the judicial process. Emotion may or may not be present in the mind of a judge during a particular trial, but its influence is to be suppressed by the individual judge. Should his emotions deflect the imposition of the law's requirements, and therefore affect the outcome of the case, the appeals court can overrule him.

E. Oppression and Envy

The law of God protects private property. An enemy's lost animals must be returned by the finder, and the animals must be aided by the one who finds them in trouble (Ex. 23:4–5). Animals are not to run wild, for they are under the dominion of man. Domesticated animals are tools used by man in his dominion assignment. In other words, both man and beast are under law. Neighbors are required by God to forfeit time and effort, suppressing any emotions of vengeance, in order to see to it that the tools of dominion are returned to the lawful owner. finders are not to become keepers unless they become buyers. In one sense this is a requirement of charity; in another sense it is simply respect for the order of creation and its law-based hierarchy of command and responsibility.

No group within the commonwealth may legitimately be singled out for oppression. The context here places "oppression" within the category of legal judgment, not private economic oppression. There must not be false or partial justice. (By "partial," I mean both "deliberately incomplete" and "not impartial.") The productivity of those who would otherwise be likely victims of judicial discrimination can flourish when they know that they will be permitted to keep the fruits of their labor. The division of labor increases as a direct result, because men are more willing to cooperate with each other in production. Output per capita increases, and therefore so does wealth per capita. Legal predictability, the product of impartial justice and permanent legal standards, produces greater wealth than any other system of justice.

1. With Justice for All

The court is to be a place of justice for all men, without respect to their economic position. Bearing false witness is described in Ex-

odus 23 as being an aspect of oppression. The innocent are to be protected (v. 7), bribes are to be rejected by judges (v. 8), and the stranger is not to be oppressed (v. 9). When men can have reasonable faith in the content of the law and the reliability of the judges, they can cooperate with each other less expensively. The division of labor increases, along with voluntary exchange. Productivity increases throughout the society. The "miracle of the market," with its benefits to all individuals who serve their neighbors by responding eficiently to consumer demand, becomes so familiar to the beneficiaries that they may forget the source of their blessings: God and His law-order.

A society that is filled with envy-driven false witnesses who "uphold the cause of the poor" by means of courtroom lies, university indoctrination, guilt-manipulation from the pulpit, and orchestration of the public by the mass media, is a doomed society if it continues in its rebellion. The self-righteousness of the envious will not alter the reality of the economic effects of envy. All the rhetoric about "healing unjust social structures" and "providing justice for the oppressed" will not delay the judgment of God if the content of the promised utopian reformation is founded on the politics of envy.[32]

By perverting judgment, men tear down the foundation of their liberties and the foundation of their wealth, especially their freedom to profit from their own ingenuity, labor, and thrift. They find that others are increasingly hesitant to display visible signs of their prosperity. Economic prosperity cannot survive when productive members of a society withdraw from entrepreneurial activities—the uncertainty- bearing, future-oriented, consumer-satisfying quest for profit—and instead become content to consume their wealth (and hide it) rather than face the slander of false witnesses who rise up against them in the name of the poor.[33]

2. Justice and Productivity

As capital, including human capital, is steadily withdrawn from the marketplace and consumed, almost everyone loses.[34] Like the kulaks

32. Gonzalo Fernandez de la Mora, *Egalitarian Envy: The Political Foundations of Justice* (New York: Paragon House, [1984] 1987).

33. Helmut Schoeck, *Envy: A Theory of Social Behavior* (New York: Harcourt, Brace, [1966] 1970), pp. 46–47, 88, 290–91.

34. Short-run winners: competitors who no longer feel the heat of competition from the oppressed, productive capitalists who withdraw; government bureaucrats and corrupt judges, who gain access to bribes; and those who are better able to prosper in the black market, which is where the hidden transactions will take place as the civil government becomes debauched.

(successful independent small farmers) of the Soviet Union in the early months of 1930, who killed their livestock and ate them rather than put them into the newly collectivized farms,[35] so envy-besieged entrepreneurs are buying Rolls-Royce automobiles and "state of the art" stereo systems. At least they are able to enjoy their depreciating capital base while it lasts. This form of capital consumption is taking place all over the democratic and socialist West,[36] although not in the capitalist Far East. The cost to society? All the forfeited opportunities—employment, innovation, and general productivity—that this capital base, if invested wisely, would have produced.

Through their continual false witness against biblically legitimate forms of wealth, the envious promote the destruction of society's capital base. So do all those who tolerate envy and do not fight it, or who fail to recognize it for what it is. And most incongruous of all are the wealthy victims of envy who indulge their masochism (or their desperate quest for acceptance) by continuing to attend and support envy-preaching churches, and who send money to envy-promoting evangelical associations, colleges, and politicians—all in the name of Jesus![37]

Without legal predictability, capitalism as a social system cannot flourish. Max Weber listed calculable law as one of the five major features of the capitalist economic system.[38] The bulk of Hayek's legal and economic studies, from *The Road to Serfdom* (1944) to the trilogy, *Rules and Order* (1973–80), was devoted to a demonstration of the links between formal, general, predictable law on the one hand, and economic freedom and the market economy on the other. Too many economic resources are wasted under social systems characterized by judicial arbitrariness—scarce resources that might otherwise be used to reduce uncertainty in forecasting uncertain future consumer demand rather than uncertain future judicial decisions. By reducing

35. On the forced collectivization of Soviet agriculture, see Lazar Volin, *A Century of Russian Agriculture: From Alexander II to Khrushchev* (Cambridge, Massachusetts: Harvard University Press, 1970), pp. 224–34.

36. George Gilder, *Wealth and Poverty* (New York: Basic Books, 1981), ch. 15.

37. See my discussion of this suicidal phenomenon in Appendix 4 in David Chilton's book, *Productive Christians in an Age of Guilt-Manipulators: A Biblical Response to Ronald J. Sider*, 4th ed. (Tyler, Texas: Institute for Christian Economics, [1981] 1986). For evidence of the theological drift toward liberalism of the major evangelical colleges, see James Davison Hunter, *Evangelicalism: The Coming Generation* (Chicago: University of Chicago Press, 1987), pp. 165–80.

38. Max Weber, *General Economic History*, trans. Frank H. Knight (New York: Collier, [1920] 1961), p. 208.

judicial uncertainty, biblical justice frees up resources that can then be used to increase output per unit of resource input. Nevertheless, biblical law should not be interpreted as the product of capitalistic institutions; on the contrary, capitalism is the historic product of a world-and-life view favorable to the kind of legal predictability which is produced by respect for biblical law.[39]

F. False Witness and Organized Envy

Individuals are commanded not to raise a false report. This is a specific application of the law against bearing false witness (Ex. 20:16). Raising a false report is the equivalent of slander; God cuts off the slanderer (Ps. 101:5). By raising a false report, men endanger their victimized neighbor, as well as the peace of the community. By misleading the judges, and by luring them into making improper decisions, the man who bears false witness endangers the trust which other men place in the judges and the biblical system of justice. This is why a stiff penalty is imposed on perjurers: the penalty that would have been imposed on the victim of the falsehood (Deut. 19:16–19).[40]

1. Oppressing the Rich

The focus of concern in this passage is with false witnesses, corrupt judges, and the oppressed rich. The "oppressed rich"? Yes. The law warns against upholding the poor man in his cause or lawsuit. But if we are not to uphold the poor as such, then the poor man or men must be bringing a case against someone or some group that is not equally poor. This classification of "non-poor" included successful strangers (v. 9), who were willing to remain as resident aliens in urban areas. Economic success, or the hope of success, motivated the stranger to remain. Once successful, he would be less likely to return to his people and the society governed by the religion of his people.[41]

39. Part 1, *Representation and Dominion*, especially the Conclusion.

40. North, *Inheritance and Dominion*, ch. 45.

41. It is worth considering the possibility that one reason for the economic and academic success of Jews in the twentieth century was the combination of modern secularism and remnants of historic discrimination. Secularism assumes that religious differences that are based on dogma or theology are irrelevant, or should be. This has opened up universities, businesses, professions, and most other institutions to hard-working Jews. At the same time, the lingering sense of being set apart from the society at large has given Jews a sense of covenantal mission: to outperform the gentile majority. If the acids of modernism do their predictable work, economic and social success will tend to produce Jews who no longer have the "outsider's" mentality, and the humanistic quest for unity will undermine the sense of covenantal or family mission. We are seeing this

The phenomenon of the successful outsider is a familiar one: Chinese in Southeast Asia and the United States, Indians in Africa, West Indies blacks in New York, and Jews everywhere.[42]

This raises an interesting question. What if the false witnesses accuse successful people *in general* of wrongdoing? What if they argue that the rich are inescapably economic oppressors unless they give their wealth, or a major portion of their wealth, to the poor? False witness need not be directed against an individual in order to have evil consequences. It can be directed against any group: religious, racial, national, or class. In this case, false witness against "rich men in general" falls under God's condemnation.

A philosophy or ideology that condemns the rich in general is equally as perverse as a philosophy that condemns the poor in general. If men are rich because they or their entire society have conformed themselves to biblical law (Deut. 28:1–14), they are not to be condemned. *To condemn them is to condemn God and His law-order*. Conversely, if men are poor because they or their entire society are in rebellion against God and God's law (Deut. 28:15–68), they are not to be upheld. *To uphold them is to uphold Satan and his law-order*.[43]

The twentieth century suffered the temporary triumph of many philosophies that advocated state-enforced policies of compulsory wealth redistribution. Generally, these philosophies were promoted in the name of democracy. In effect, advocates of these philosophies propose a revision of the eighth commandment: "Thou shalt not steal, except by majority vote." Other versions of collectivism are promoted as elitist programs that need to be imposed on the "rich" in the name of the poor, even when a majority of voters are opposed to the programs. These philosophies universally bear false witness against the rich in general, charging that the rich have exploited the poor throughout history. Marxism is only the most successful and most consistent of these philosophies of organized envy. There are many others: Fabian socialism, national socialism (Nazism), the corporate state (fascism), social democracy, populism, liberation theology, Christian socialism,

in the United States today, where Jews commonly marry non-Jews, since they come into social contact with each other in the secular universities. As Joseph Schumpeter warned of capitalism, so is Jewish performance likely to fail in the long run because of its success. The very secular institutions that allow Jews to compete without religious, social, or racial restrictions will undermine their sense of "Jewishness."

42. Thomas Sowell, *The Economics and Politics of Race: An International Perspective* (New York: William Morrow, 1983), Pt. I.

43. R. J. Rushdoony, "The Society of Satan," *Christian Economics* (July 7 and Aug. 4, 1964); reprinted in *Biblical Economics Today*, II (Oct./Nov. 1979).

the New World Order, the New International World Order, New Age communalism, and hundreds of variants. These philosophies have produced political movements that have pressured politicians to pass legislation that oppresses the productive: the present rich (though seldom the "super rich")[44] and the future rich, meaning all those who would like the opportunity to become rich, i.e., the middle class entrepreneur, the independent businessman, and the potentially productive but presently poor person, whose avenues for advancement are cut off.[45]

Conclusion

Because all men are under God and responsible to God, justice is to be impartial and predictable. It is not to be arbitrary, for God is not arbitrary. Law is both constant and theocentric, although applications of God's fixed laws can and have changed, as a result of new historical circumstances. The Bible gives us our standards of application, just as it gives us God's law.

Men are to judge in terms of God's law. This process of rendering judgment is not mechanical. It is personal and covenantal. It involves the use of intuition, either Bible-based or humanistic. There is no escape from the "humanness" of human judgment. What is needed to restrain men from arbitrariness in rendering judgment is a system of biblical law which restrains the flights of judicial fancy of intuition-guided judges. But we can never totally eliminate uncertainty from the judicial process. The price of perfectly certain justice is astronomical; it would destroy justice.

Legal predictability is one of the fundamental historical foundations for the development of capitalism in the West. The rise of envy-based political and economic systems is now threatening the productivity and very survival of then. Reason can be *progressively disciplined* by either covenant-keeping intuition or covenant-breaking intuition, but in either case, reasoning is not a mechanical-numerical process. "Between the plasticity of the brain and the mechanistic structure of a computer there is an unbridgeable gap. . . ."[46]

---

44. Ferdinand Lundberg, *The Rich and the Super Rich* (Secaucus, New Jersey: Lyle Stuart, 1968).

45. See, for example, Walter Williams, *The State Against Blacks* (New York: New Press, McGraw-Hill, 1982).

46. Georgescu-Roegan, *Entropy Law*, p. 90.

51

FINDERS SHOULD NOT BE KEEPERS

If thou meet thine enemy's ox or his ass going astray, thou shalt surely bring it back to him again. If thou see the ass of him that hateth thee lying under his burden, and wouldest forbear to help him, thou shalt surely help with him.

EXODUS 23:4–5

This case law, because it deals with property, is governed by the theocentric principle of God as the cosmic Owner. He has delegated temporary ownership of selected portions of His property to individuals and organizations, so that they might work out their salvation or damnation with fear and trembling (Phil. 2:12).[1] Because God has delegated responsibility for the care and use of His property to specific individuals or organizations, who are held responsible for its management, others are required to honor this distribution of ownership and its associated responsibilities.

Exodus 23:4–5 requires the person who finds a stray domesticated beast to return it to its owner, an enemy. Why specify an enemy? Because, if a person is obedient to this narrowly defined law, he will also be obedient to the wider implications of the law. It is not that one may lawfully ignore a friend's lost animal, but return an enemy's. The Lawgiver assumes that anyone who will do a favor for an enemy will also do a favor for a friend.

There are several beneficial results of such a moral injunction whenever it is widely obeyed. First, it upholds the sanctity of the legal rights of property owners. Second, it reasserts man's legitimate control over the animal creation. Third, it reduces hostilities between en-

1. Gary North, *Ethics and Dominion: An Economic Commentary on the Epistles* (Dallas, Georgia: Five Point Press, 2012), ch. 20.

emies. Fourth, the passage of time makes it easier to identify thieves. Fifth, it provides an incentive to develop marks of private ownership. It must be stressed from the beginning, however, that this law is not a civil law, for there is no way biblically to develop a system of compulsory charity or compulsory righteousness through the civil government. Exodus 23:4–5 is rather a moral law to be enforced through self-government.

A. Owner's Rights

There is a rhyme that English-speaking children chant, "Finders, keepers; losers, weepers." When one child finds a toy or possession of another, he torments the owner with this chant. Yet his very chanting testifies to the fact that the tormenter really does not believe in his ethical position. If he really wanted to keep the object, he would not admit to the victim that he had found it. He would forego the joys of tormenting the victim for the pleasure of keeping the object. The tormenter can always appeal to his own parents, who will then go to the parents of the tormenter. In Western society, most parents know that the discovered object is owned by the loser.

From time to time, someone discovers a very valuable lost object, such as a sack of money that had dropped out of an armored car. When he returns it to the owner, the newspapers record the story. Invariably, the doer of the good deed receives a series of telephone calls and letters from anonymous people who inform him that he was a fool, that he should have kept the money. Again, this is evidence of the West's dominant ethical position: the critics prefer to remain anonymous.

1. Rights of Disposal

From a legal standpoint, the reason why the law requires the finder to return the lost item to the owner is that the owner owns the rights of use and disposal of the property. What is owned is the *right to exclude* other people from using the property. This "bundle of rights" is the essence of ownership. The capitalist system is not based on "property rights"; it is based on the legal rights to control the use and disposal of property. Nothing inheres in the property that gives these rights.

There is another familiar phrase, "possession is nine-tenths of the law." This is incorrectly stated, if by "possession" we mean physical control over some object. The possession which is nine-tenths of the law is the possession of the *legal right to exclude*, not possession of the

physical object itself. The object does not carry this legal right with it when it wanders off or is lost by the owner.

We can see this easily when we consider the case of a lost child. The fact that someone discovers a lost child obviously transfers no legal right to keep the child. The child is to be returned to the parents or to the civil authorities who act as legal agents of the parents. Possession is clearly not nine-tenths of the law. If anything, possession of a long-lost child subjects a person to the threat of being charged with kidnapping. Because God is the ultimate owner of mankind, He has delegated the legal right to control children to parents, except in cases of physical abuse by parents that threatens the life of the child. In short, parental authority is nine-tenths of the law, not merely possession of physical control over a particular child.

When someone who discovers another person's property is required by God to return it to its owner, there can be no doubt concerning the Bible's commitment to the private ownership of the means of production. *Biblical moral law undergirds a capitalist economic order. Socialism is anti-biblical*. Where biblical moral law is self-enforced, and biblical civil law is publicly enforced, capitalism *must* develop. The reason why most modern Christian academics in the social sciences are so vocal in their opposition to biblical law is that they are deeply influenced by socialist economic thought. They recognize clearly that their socialist conclusions are incompatible with biblical law, so they have abandoned biblical law.[2]

B. Dominion Through Judgment

This case law extends man's dominion over nature: domesticated animals are not to "run wild." They are under man's care and protection. This reasserts man's place under God but above the animals: point two of the biblical covenant, hierarchy[3]—appropriate for the Book of Exodus, as the second book of the Pentateuch.

1. Animals Are Subordinate

A law requiring a man to help an animal that has fallen because of too heavy a burden is similar in intent to the law regarding wander-

2. A good example of such antinomian socialist reasoning is John Gladwin, "Centralist Economics," in Robert Clouse (ed.), *Wealth and Poverty: Four Christian Views of Economics* (Downers Grove, Illinois: InterVarsity Press, 1984), ch. 4. See also my response, *ibid.*, pp. 198–203.

3. Ray R. Sutton, *That You May Prosper: Dominion By Covenant*, 2nd ed. (Tyler, Texas: Institute for Christian Economics, [1987] 1992), ch. 2.

ing animals. The owner is present with the animal, however: "thou shalt surely help with him." He has overburdened his animal, and it has fallen. The typical response of an enemy would be, "Well, that good-for-nothing has now gone too far. He has broken the back of his own animal. Let him find out just how much trouble it is to set things straight. Let him untie all the packages, lift up the beast, and repack." The problem with this approach is that the beast is suffering for the errors of its owner. The owner is having trouble, but so is the innocent beast. Should the beast suffer needlessly? The law directs a passerby to go over and help lift the beast back to its feet. This is a two-person job: one to help up the beast, and the other to help lift its burden. Man is to be a protector of those under his authority, including animals.

A lost animal can damage other people's property (Ex. 22:5). It can wander into a pit and get hurt or killed (Ex. 21:33–34).[4] It can injure men or other animals (Ex. 21:35–36).[5] To have a domesticated lost animal wandering without any form of supervision testifies against the dominion covenant. It is a sign that God's required moral and hierarchical order has broken down. It is an aspect of God's curse when beasts inherit the land (Ex. 23:29). In short, domesticated animals require supervision by man.

No man's knowledge is perfect. Men can lose control over their domestic work animals. When they do, it becomes a moral responsibility for other men to intervene and restore order. This is done for the sake of biblical social order: (1) for the individual who has lost control over his animal and who is legally responsible for any damage that it might perform, and (2) for the sake of the animal itself.

A domesticated animal is a capital asset, a tool of production. Mankind's development of tools of production is the basis of economic growth. The loss of a trained work animal reduces its owner's ability to subdue his portion of the earth. This sets back the fulfillment of God's dominion covenant with mankind. This loss of production reduces the per capita economic growth of the whole community, even though the loss may not be large enough to be perceived. The person who finds a lost animal is required to restore it to the owner, even though this involves economic sacrifice on his part. In the long run, this implicit sanctioning of privately owned capital will produce increased wealth for all.

The biblical imagery of the lost sheep of Israel is indicative of the

4. Chapter 41:B.
5. Chapter 42.

central concern of the Bible: *the restoration of moral and legal order, the overcoming of sin and its effects*. The lost sheep in history need a shepherd. They are wandering toward destruction. God intervenes and brings them home. The New Testament imagery of Jesus as the great shepherd points to the theme of restoration.

2. Righteous Judgment

A principle of justice visible is here. These verses appear in between verses dealing with civil justice. The first three verses of Exodus 23 deal with impartial justice. Verses four and five deal with the lost or fallen animal. Then verses six and seven return to the original theme of justice: "Thou shalt not wrest the judgment of thy poor in his cause. Keep thee far from a false matter; and the innocent and the righteous slay thou not: for I will not justify the wicked." The idea that links these verses is this: *if you treat an animal well, you will probably treat other people well*. If you will care for your enemy's helpless beast, you will probably not pervert justice when dealing with a helpless person.

This law is also a way of bringing God's eternal judgment on one's enemy. "If thine enemy be hungry, give him bread to eat; and if he be thirsty, give him water to drink: For thou shalt heap coals of fire upon his head, and the LORD shall reward thee" (Prov. 25:21–22).[6] One destroys a covenant-breaking enemy forever by treating him lawfully. Every good deed done to a covenant-breaking enemy, if he remains a covenant-breaker, adds to his eternal agony. This is a basic New Testament doctrine: "Therefore if thine enemy hunger, feed him; if he thirst, give him drink: for in so doing thou shalt heap coals of fire on his head. Be not overcome of evil, but overcome evil with good" (Rom. 12:20–21).

C. The Reduction of Personal Hostilities

When your enemy goes out of his way to restore a lost asset to you, it becomes more difficult to hate him. He has demonstrated his commitment to God's law. This identifies him as someone who respects the terms of God's covenant. This covenant is personal, not impersonal. All those who affirm this covenant are personally bonded to God and therefore to each other. Thus, whatever the dispute may be between them, it becomes more difficult to ascribe comprehensive evil motives to anyone who honors this moral injunction. He has

6. Gary North, *Wisdom and Dominion: An Economic Commentary on Proverbs* (Dallas, Georgia: Point Five Press, [2007] 2012), ch. 76.

gone to some expense to restore a lost animal to its owner. This is a visible affirmation that the law of God is more important than the personal disputes of life.

Obviously, it would be close to impossible to gain a court's conviction against anyone who breaks this law. There would have to be witnesses. The accused person could claim that he had never seen the animal or other lost object. It is also difficult to imagine what civil penalties might be attached to this law. We therefore should conclude that the enforcement of this law is based on *self-government under God's law*. The person who returns a lost object to its owner is demonstrating that he acted out of concern for the law, not out of concern for the civil magistrate. He is a person who exercises self-government under law. Again, it becomes more difficult to entertain suspicions about his overall ulterior motives.

1. Maimonides' Rule and Social Conflict

Moses Maimonides' rule would drastically increase hostilities between Jews and gentiles: "The lost property of a heathen may be kept, for Scripture says, *Lost thing of thy brother's* (Deut. 22:3). Furthermore, if one returns it, he commits a transgression, for he is supporting the wicked of the world."[7] In other words, returning lost property to a gentile is primarily a form of economic subsidy, not primarily an honoring of the principle of owner's rights. It is revealing that he cited Deuteronomy 22:3, which refers to the lost property of one's brother, and made no mention of Exodus 23:4–5, which explicitly deals with the lost property of enemies.

He did add this qualification: "But if one returns it in order to sanctify God's name, thereby causing persons to praise the Israelites and realize that they are honest, he is deemed praiseworthy. In cases involving a profanation of God's name, it is forbidden to keep a heathen's lost property, and it must be returned."[8] In other words, in order to maintain the appearance of honesty, the property should be returned. The problem was, of course, that eventually these rules might become known to the gentile community, and they would learn the truth about those Jews who follow Maimonides' precepts: they are governed by a very different concept of honesty from what the Bible itself establishes. At that point, the rule of expediency would

7. Moses Maimonides, *The Book of Torts*, vol. 11 of *The Code of Maimonides*, 14 vols. (New Haven, Connecticut: Yale University Press, [1180] 1954), III:XI:3, p. 128.
8. *Idem*.

be recognized for what it is, and would therefore backfire, bringing reproach on the Jewish community. This is not the way to increase social peace between hostile religious groups in a community.

If the town is inhabited equally by Jews and gentiles, he said, the Jew must advertise that he has found lost property.[9] But if the town is less than half populated by Jews, and the lost property is found where heathen generally congregate, or in a highway, the Jew is blameless in keeping it, because "whatever he finds belongs to him, even if an Israelite comes along and identifies it."[10] Maimonides warned his fellow Jews that if the owner is a Jew, and he claims the property, the Jew who wishes to follow "the good and upright path and do more than the strict letter of the law requires" should return it to him.[11] Nevertheless, he is not required by law to do this.

The following rule is literally a corker. "If one finds a cask of wine in a town containing a majority of heathen, any benefit from the wine is forbidden, but the cask may be retained as lost property." Leave the cork in the cask. Presumably, Maimonides was worried about some sort of ritual pollution problem associated with gentile food. That fear is solved as soon as a Jew asserts ownership of the lost cask: "...if an Israelite comes and identifies it, the finder may drink the wine."[12] What a system! As soon as a Jew identifies himself as the legal owner, he loses ownership. The other Jew gains ownership. This is not the best way to reduce personal hostilities within the Jewish community.

Maimonides provided one rule that makes sense, toward the end of Chapter 11: "If one follows the good and upright path and does more than the strict letter of the law requires, he will return lost property in all cases, even if it is not in keeping with his dignity."[13] But this *is* the strict letter of the law: Exodus 23:4–5. Any form of dignity that is not in keeping with it is a form of pride, and should be eliminated, or at least suppressed through self-discipline. Obeying the law regarding lost property is a good place to begin the process.

D. Identifying Thieves

The person who steals an animal and is immediately arrested could offer this excuse: "I found this animal wandering in the area, and I was

9. *Ibid.*, III:XI:6.
10. *Ibid.*, III:XI:7.
11. *Idem.*
12. *Ibid.*, III:XI:8.
13. *Ibid.*, III:XI:17, p. 131.

simply returning it to its owner. I did not know who owned it, so I was taking it home until I could make further inquiries." This might work once or twice. The man could appeal to the case law in Deuteronomy:

> Thou shalt not see thy brother's ox or his sheep go astray, and hideayin thyself from them: thou shalt in any case bring them again unto thy brother. And if thy brother be not nigh unto thee, or if thou know him not, then thou shalt bring it unto thine own house, and it shall be with thee until thy brother seek after it, and thou shalt restore it to him again. In like manner shalt thou do with his ass; and so shalt thou do with his raiment; and with all lost thing of thy brother's, which he hath lost, and thou hast found, shalt thou do likewise: thou mayest not hide thyself (Deut. 22:1–3).[14]

This would not be a suitable excuse three or four times. If a person lives in a society that has developed an information reporting system, he has a legal requirement to report the whereabouts of lost articles to the civil authorities if he does not know who the owner is. Thus, as time passes, the "excuse of the wandering animal" fades. The owner who discovers his animal in another's possession has a far stronger legal case than if this case law were not in God's law-order. A lost animal is not supposed to remain indefinitely in another person's possession, especially after the person who lost it broadcasts its loss publicly. "Thou shalt bring it unto thine own house, and it shall be with thee until thy brother seek after it."

E. Marks of Ownership and Reduced Search Costs

This case law makes it far more likely that a lost animal will be immediately returned to the owner. Thus, the law increases the economic return from marking property. This is an incentive to promote the spread of owner's rights that can be legally protected. A person's property is brought under his own administration through a mark of ownership.

By marking property, the owner reduces future search costs: his search for the animal, as well as the finder's search for the owner. It reduces search costs for a neighbor whose crops have been eaten or ruined by a wandering beast. He can then gain restitution from the owner (Ex. 22:5). This is an incentive for someone who wants to protect his property (the beast) from thieves or to protect his neighbor's property (crops) from loss by building a fence or by restraining the animal in some way.

14. Gary North, *Inheritance and Dominion: An Economic Commentary on Deuteronomy*, 2nd ed. (Dallas, Georgia: Five Point Press, [1999] 2012), ch. 52.

Branding also reduces search costs for the civil authorities if the animal should be stolen. By burning an identifying mark into an animal's flesh, or by attaching a tag to its ear or other flesh, the owner increases risks to the thief. It also increases risks to those who would buy from the thief. The identifying mark makes it possible for buyers to avoid the possibility that they will be charged with having received stolen property. As I mentioned in Chapter 17, English common law recognizes no such crime; it took statute law in the nineteenth century to make it a crime.[15] Biblical law does make it a crime to receive stolen property knowingly, and even when the buyer does not know that the property is stolen, the owner has the right to have it returned to him. The thief never possessed the "bundle of rights" necessary for biblical ownership. God delegates ownership; He does not delegate it to thieves.

God's use of circumcision in the Old Testament era is an obvious parallel to the brand. So was the hole punched in the ear of a slave (Ex. 21:6). These were both marks of ownership. The New Testament practice of baptism leaves no visible mark, but it leaves a legal description in the records of a continuing third party institution, the church. It is also a mark of God's primary ownership. The same is true of property registration generally. Titles, deeds, and other marks of legal ownership have developed over the centuries, thereby extending the dominion of mankind through the development of the institution of private property. By identifying legal owners, society increases the level of personal responsibility. This, too, is a basic biblical goal.

F. Not a Case of State-Enforced Charity

The discoverer must sacrifice time and effort to see to it that the beast is returned to its owner. This might be seen as a form of judicially mandated charity, one of the few examples of compulsory charity in the Bible. Compulsory charity, however, is a contradiction. Charity must always be voluntary. It is governed by the legal principle that the recipient has no judicially enforceable entitlement to the gift. This is why the modern welfare state is careful to label its compulsory wealth-redistribution programs as *entitlements*. The creators of these programs want to get away from any suggestion of voluntarism, which implies that the donor has the right to refuse to make the gift. Thus, this case law is not related to charity. The owner has a legal

15. Wayne LaFave and Austin Scott, Jr., *Handbook on Criminal Law* (Minneapolis, Minnesota: West, 1972), pp. 681–91: "Receiving Stolen Property."

claim on the property. He has an entitlement. The person who finds the lost animal is expected to honor this legal claim, even though it costs him money or time to do so.

This law requires a form of wealth-redistribution. The one who discovers the lost animal owes it to the owner to return it. This is a positive injunction. So is the law to assist an enemy whose animal has fallen down. Yet biblical civil law, I have argued, does not issue positive injunctions. It does not compel anyone to do good; it merely prohibits people from doing public evil. Thus, I conclude that this law is not a civil law, but is rather a moral injunction. There is no civil sanction attached to it, nor is there any general judicial principle of restitution that would enable the judges to determine a proper sanction. The civil government therefore has no role to play in the enforcement of this law.

The civil government can legitimately become involved if the person who owns the beast discovers it in someone else's possession. The suspicion of theft immediately arises. This threat is an incentive for the discoverer to return it to its owner, in order to avoid future criminal prosecution for theft. But this is a separate issue. The case law in question should be seen as a moral responsibility placed on the individual directly by God, and not as a civil statute.

Conclusion

The righteous person is not to use circumstances to gain revenge on his enemy at the expense of the innocent and helpless. He must do what he can to restore order—economic and moral—in his dealings with his enemies. This means that God's purposes for society are more important than men's short-term personal feuds. This is not to say that society is always more important than the individual is; it *is* to say that *God's purposes* are more important than man's purposes, either for society or for individuals.

God's requirement of returning a lost animal or lifting up a fallen domestic animal is imposed in order to restore harmonious relations among enemies, and to help fulfill the dominion covenant. While a short-run burden is placed on the man who comes across a lost or fallen animal, he knows that in the long run his own interests as a property owner are improved when people honor this law. If he refuses to honor it, then others may also refuse. Thus, honoring the terms of the law improves the safety and security of all members of society.

This case law is an example of a biblical injunction that is narrowly circumscribed, but which in fact has wide application. The finder is to return the lost animal to the owner, an enemy. Does this mean that he need not return a lost animal to his friend? No; the focus of the law is on the case where the temptation is greater to keep the animal: the enemy's beast. The law assumes that if you are required to obey it in the difficult case, you surely are required to obey it in the easier case.

52

BRIBERY AND OPPRESSION

And thou shalt take no gift: for the gift blindeth the wise, and perverteth the words of the righteous.

EXODUS 23:8

The theocentric issue here is God as a righteous Judge. His judgment cannot be purchased by anyone. He honors His law, not gifts from men. "Wherefore now let the fear of the LORD be upon you; take heed and do it: for there is no iniquity with the LORD our God, nor respect of persons, nor taking of gifts" (II Chron. 19:7). He sets the standard for rendering judgment; human judges are to follow it. "Thou shalt not wrest judgment; thou shalt not respect persons, neither take a gift: for a gift doth blind the eyes of the wise, and pervert the words of the righteous" (Deut. 16:19).[1]

The context of this law is official judgment rendered by a court. Judges are not to render false judgment in favor of a poor man (Ex. 23:3) or against him (Ex. 23:6). People are not to offer false witness in a court against a righteous person (Ex. 23:7). They are not to oppress a stranger (Ex. 23:9). Such corrupt judicial acts constitute oppression, which points to the most common source of oppression in society: a misuse of God's authorized monopoly of justice, the courts.[2] *Oppression is therefore primarily judicial*: either the court renders false judgment or else it refuses to prosecute a righteous person's cause. "They afflict the just, they take a bribe, and they turn aside the poor in the gate" (Amos 5:12). The court indulges in official sins of com-

1. Gary North, *Inheritance and Dominion: An Economic Commentary on Deuteronomy*, 2nd ed. (Dallas, Georgia: Point Five Press, [1999] 2012), ch. 40.
2. See Chapter 48.

mission or omission. It is supposed to uphold God's *mission* by rendering righteous judgment as a means of national and international evangelism.

> Behold, I have taught you statutes and judgments, even as the LORD my God commanded me, that ye should do so in the land whither ye go to possess it. Keep therefore and do them; for this is your wisdom and your understanding in the sight of the nations, which shall hear all these statutes, and say, Surely this great nation is a wise and understanding people. For what nation is there so great, who hath God so nigh unto them, as the LORD our God is in all things that we call upon him for? And what nation is there so great, that hath statutes and judgments so righteous as all this law, which I set before you this day? (Deut. 4:5–8).[3]

A. Blaming Capitalism

In the analysis of oppression that is offered by modern socialists, the free market is the source. Competition is seen as ruthless, immoral, and man-destroying. Capitalism in this view is not a system governed by the principle of customer's authority,[4] but rather a system of consumer exploitation by unscrupulous businessmen whose goal is to hold down wages and raise prices. (In fact, free market firms raise wages through their mutual competition for scarce labor services,[5] and also by investing in capital that increases the productivity of the workers.[6] They reduce prices in their endless quest for new consumers.[7] They are forced to do this through the competitive market process, because they are economic agents of the consumers.[8]) Karl Marx concluded volume 1 of *Das Kapital* (the only volume published in his lifetime) with these words: "... the capitalist mode of production and accumulation, and therefore capitalist private property, have for their fundamental condition the annihilation of self-earned private property; in other words, the expropriation of the labourer."[9] A few pages

3. North, *Inheritance and Dominion*, ch. 8.

4. In earlier editions, I followed W. H. Hutt's usage: "consumer's sovereignty." But this is a legal category. Here, I emphasize economic authority, not legal sovereignty. See W. H. Hutt, "The Nature of Aggressive Selling," *Economica*, 12 (1935); reprinted in *Individual Freedom: Selected Works of William H. Hutt*, eds. Svetozar Pejovich and David Klingaman (Westport, Connecticut: Greenwood, 1975).

5. Gary North, "Exploitation and Knowledge," *The Freeman* (Jan. 1982).

6. Percy L. Greaves, Jr., "How Wages Are Determined," *The Freeman* (July 1970).

7. Gary North, "Price Competition and Expanding Alternatives," *The Freeman* (Aug. 1974); Cf. North, *An Introduction to Christian Economics* (Nutley, New Jersey: Craig Press, 1973), ch. 9.

8. Gary North, "Who's the Boss?" *The Freeman* (Feb. 1979).

9. Karl Marx, *Capital* (New York: Modern Library, [1867] 1906 ed.), p. 848.

earlier, he had prophesied the inevitable communist revolution in these envious and apocalyptic terms: "The knell of capitalist private property sounds. The expropriators are expropriated."[10]

1. Capitalism's Critics

Such rhetoric has been highly influential in academic circles, including Christian academic circles. Before its embarrassed exit from the public arena after the fall of the Soviet Union in 1991, liberation theology was the most consistent and most visible theological by-product of such a view of the free market. The movement was dominated by extreme leftists, whose ideas were imported from Marxism. The movement collapsed when its social and economic model was abandoned by the Communist Party of the Soviet Union, which was disbanded by its leaders. When the USSR lost power, this undermined the legitimacy of liberation theology, which had always been committed to political power as the proper way to manage the economy.

Liberation theology's intellectual legacy of the rejection of capitalism remains quite common in neo-evangelical colleges and seminaries—schools that do not openly adopt liberation theology, for fear of the wrath of the donors and the parents of prospective students. This outlook was dominant prior to 1991. Evidence of this bias was provided by George Grant, who in 1987 and 1988 visited 116 evangelical Protestant colleges, relief and development agencies, missionary groups, and charities in the United States. He asked for copies of their recommended reading lists; at the colleges, he got the required reading texts. After many months of this, he compiled a list of over three dozen of the most common titles. Without exception, they all shared an essentially anti-capitalist outlook. There was not a single openly pro-free market book on the list. Five of these titles were published by Orbis Books, the publishing outlet of the Roman Catholic Maryknoll Order, and the primary liberation theology publishing house in the United States.[11]

By focusing on what is no more than a secondary source of economic oppression in society, the free market's system of private property, critics of capitalism have misled millions of people. The free market is not a major source of oppression, although the visible manifestations of

10. *Ibid.*, p. 837.

11. *Good News to the Poor* by Julio de Santa Ana, *God So Loved the Third World* by Tom Hanks, *Christ Outside the Gates* by Orlando Costas, *The Bible of the Oppressed* by Elsa Tamez, *The Militant Gospel* by Alfredo Fierro.

oppression frequently are found in economic transactions. The source of oppression is the misuse of a biblically legitimate monopoly: the civil court system. Political oppressors in the West from the medieval period until the late seventeenth century were generally the allies of unscrupulous, power-seeking and rent-seeking[12] agricultural aristocrats, and from the eighteenth century until the Great Depression of the 1930s were allies of unscrupulous, power-seeking and rent-seeking businessmen. Ever since the early 1930s, they have more likely also been the allies of unscrupulous, power-seeking and rent-seeking socialists, Communists, fascists, Keyenesian interventionists, and lifetime bureaucrats whose main goal in life is to expand their ability to tell other people what to do.[13] Long-term economic monopolies, ancient and modern, have almost always been the creation of civil governments.[14]

2. Bribes

Why do judges become allies of economic oppressors, thereby making possible continuing oppression? This verse tells us why. Citizens take a portion of their capital and "invest" it. They bribe a court officer to render unrighteous judgment or to look the other way and refuse to prosecute unrighteous public behavior. This verse focuses on direct bribes, but the principle of bribery goes beyond a direct payoff to a personally corrupt official.

Bribes can come in many forms, including promises for financial or other support during the next election.[15] Roman Catholic moralist

12. I use the term "rent" as the so-called "public choice" school of economics does: *a stream of income*. These streams of income are not limited to real estate investments. Income from government-created economic monopolies is surely a form of rent. The most prominent figure of the public choice school is Nobel laureate James Buchanan. Gordon Tullock, a law professor-turned-economist, was for many years Buchanan's intellectual partner, and should have been awarded the Nobel Prize in economics with Buchanin 1986. He told me in 1988 that he had received two votes in the committee. I suspect the fact that he had never taken an economics course proved too embarrassing to the committee. A good introduction to public-choice economics is the textbook by James D. Gwartney and Richard Stroup, *Economics: Private and Public Choice* (New York: Academic Press, 1979).

13. This is not to say that big business has not also remained the beneficiary of the politicians. Big business has itself become the subsidized ally of socialists, Communists, fascists, and Keynesians. On this point, see Gabriel Kolko, *The Triumph of Conservatism* (New York: Free Press of Glencoe, 1963); Carroll Quigley, *Tragedy and Hope: A History of the World in Our Time* (New York: Macmillan, 1966), especially Chapter 17.

14. D. T. Armentano, *Antitrust and Monopoly: Anatomy of a Policy Failure* (New York: Wiley, 1982); Walter Adams and Horace M. Gray, *Monopoly in America: The Government as Promoter* (New York: Macmillan, 1955); Mary Bennet Peterson, *The Regulated Consumer* (Ottawa, Illinois: Green Hill, 1971).

15. John T. Noonan, *Bribes* (New York: Macmillan, 1984), pp. xxi–xii.

and legal scholar John Noonan's massive and brilliant book, *Bribes*, lists two pages of bribe prices in history: gold, cash, percentages, etc.[16] Even the definitions of what constitutes a bribe vary widely. Noonan listed four sources of the possible definitions of bribery, "that of the more advanced moralists; that of the law as written; that of the law as in any degree enforced; that of common practice. If one is to say that an act of bribery has been committed, one should know which standard one is using."[17] But whatever the definition, in whatever society, bribes are officially disapproved.[18]

This disapproval causes problems for explaining a nation's history. We forget or ignore the fact that some of our greatest heroes have been bribees or bribers. Societies prefer to avoid accusing some great national historical figure with the valid accusation of having been involved in this kind of scandal. Noonan commented: "Francis Bacon, Samuel Pepys, Warren Hastings are not merely respectable; they are heroes—respectively the founders, in the view of their admirers, of British science, the British navy, and British India. Bacon was a bribee by the law as actually enforced; Pepys a bribee by his own measure; Hastings a bribee by the law that was being made. Apologists by the score have hesitated to give their bribetaking its proper name. As for bribers, judgment has always been even more charitable, the underlying assumption being that they are the victims of extortion. When the persons involved have been preeminently just, judgment has often been entirely suspended. Who thinks of Thomas Becket or John Quincy Adams as giving bribes?"[19]

B. The Power of the Bribe

The power of the bribe is very great. This passage tells us that wise men are blinded, and righteous men become perverse through bribes. The Bible repeats its warning against bribe-taking judges in Deuteronomy 16:19, Isaiah 1:23, Amos 5:12, Psalms 26:10, and I Samuel 12:3. It was this sin that Samuel's two evil sons practiced (I Sam. 8:3), and it led to the people of Israel calling for a king (I Sam. 8:5), which Samuel warned against (I Sam. 8:11–18). The judges' sin of bribery led step by step to the call for a stronger, more centralized civil government. It was difficult for Samuel to take a stand against the inau-

16. *Ibid.*, Appendix.
17. *Ibid.*, p. xii.
18. *Ibid.*, p. xx.
19. *Ibid.*, p. xiii.

guration of the kingship when the judicial failure of his sons was the occasion of the people's demand.

1. Enforcement

Records from the ancient Near East do not indicate any actual prosecutions for bribe-taking. There are no Mesopotamian examples yet translated of any official's being punished for this crime—this, out of a total 100,000 cuneiform tablets in museums.[20] Nothing in the records of Egypt indicates that any official was prosecuted for this crime.[21] Nowhere in the ancient Near East was there a specific civil law against bribery, with punishment specified. This was even true of the ancient Israel. "Reliance is not on human enforcement but on divine assistance."[22] But Noonan understood that this is true of biblical history generally: "The enforcement of any law by actually applied human sanctions is not a prominent feature of biblical history. Vengeance is normally divine."[23] Noonan overstated his case with respect to biblical law, however. Deuteronomy 19 specifies that a false witness must suffer the same punishment that he had sought to inflict on his victim (Deut. 19:19).[24] There is no reason to believe that a judge and the one who bribed him would be any less subject to this penalty.[25] Case laws frequently specify the less obvious infraction in order to affirm the more obvious, e.g., requiring a person to return his enemy's stray animal to him (Ex. 23:4),[26] therefore indicating that this should surely be done with a friend's stray animal. If a false witness is to receive punishment on the *lex talionis* basis, surely a corrupt judge should suffer like-for-like retribution!

The combination of civil monopolistic power and the wealth transmitted by a bribe is too great for even good men to handle, so God prohibits bribe-taking. We never receive something for nothing, except by God's grace. When a bribe is offered, it is not offered free of charge. *A bribe is not a friendly gift; it is payment for services received*

20. *Ibid*., p. 11. It should be recognized that only a small proportion of these tablets has been translated. Translators seldom translate as much as 15% of existing Near Eastern tablets.

21. *Ibid*., p. 12.

22. *Idem*.

23. *Ibid*., p. 23.

24. North, *Inheritance and Dominion*, ch. 45.

25. Why Noonan contrasted the Deuteronomic law regarding false witness with the absence of a law regarding bribe-taking is a mystery to me. Noonan, *Bribes*, p. 24.

26. Chapter 51.

or hoped for. But these services are usually corrupt.[27] When bribery becomes extensive, it is either because the rulers are corrupt already or because the bribers intend to corrupt them. Bribes are therefore a sign of widespread corruption.

This widespread acceptance of bribery as a way of life threatens the social order. When men believe that they can buy the civil judgment they prefer, they lose sight of the true character of God and the looming threat of His judgments, both temporal and eternal. People will eventually lose faith in a bribe-ridden social order, for a social order is sustained by men's faith in the character of God (real or imagined) and the trustworthiness of His sanctions. In a society marked by bribery, the guardians of social order no longer guard in the name of God and by means of His law. They make it appear as though they can sell God's judgment to the highest bidder. In response, God visits His judgment on them and their society. The *lex talionis* of the civil covenant cannot be annulled by civil legislation. It is basic to God's creation order. Societies will reap what they sow.

2. Beyond Civil Corruption

The corruption of the bribe goes beyond the civil order. It will affect family government, too. Noonan's insight is perceptive: *bribery is linked culturally and theologically to adultery*.

> Metaphors drawn from the vocabulary of sexual sin are used to describe the bribetaker. Since the time of the Roman Republic, "to corrupt" has meant both to seduce a woman and to pay off an officeholder. One "betrays" a lover or an office. One is "faithless" to a spouse or a public trust. The same religions, the same kind of commandments and examples, the same kind of sanctions have addressed acts of bribery and acts of unlawful intercourse. Taken at a certain level of generality, the same substantive goods are protected and promoted by both ethics. Each sets enormous store by fidelity. Each lays down the lines that separate a gift, understood as an identification of one person with another person, from the manipulative or exploitative use of one person by another person. As the sexual ethic disintegrates, or appears to disintegrate, before our eyes, we can ask whether the ethic governing bribes will follow suit.[28]

Bribery is also similar to witchcraft, he argued. Both bribery and sorcery are ways of influencing the outcome of an event by illegal means. Both are believed to be widely practiced, though no one admits

27. Not in every case, however; see section D: "The Righteous Bribe."
28. *Ibid.*, p. xvii.

being involved personally. The formal accusations of both offenses increase during times of moral ambiguity and institutional disruption.[29] That adultery in the Bible is also connected to witchcraft and idolatry should come as no surprise. However, the fact that bribery, witchcraft, and adultery are linked in terms of ethics, language, and social function in the history of the West is not intuitively obvious.

C. Bribes and Higher Courts

It should be obvious that local church courts are uniquely vulnerable to being swayed by considerations of money. The local church, unlike the civil government, faces the problem of its dependence on essentially voluntary contributions. Civil courts do not face this problem of voluntarism. Civil governments can compel the payment of taxes by threat of violence, such as confiscation of property. Few people ever voluntarily offer lots of extra money to the tax collector, just to be nice. But people who consistently bring tithes and offerings to the local church, and especially rich people who bring extensive additional offerings on a regular basis, automatically become important figures in that congregation. The more debt that a church carries, the more influential such people become.

In a dispute between a tithing rich person and a tithing poor person, or especially a non-tithing poor person, a local church court may be tempted not to render an adverse verdict against a demonstrably guilty but very rich man. *This is one reason why higher church courts are so necessary: to allow a poor man to appeal to a more distant court that is less dependent financially on one rich man's contributions*. While a bribe may not have been offered to the church's highest officer, the pastor, the economic equivalent of a bribe may have been offered to him: continued local employment. If the rich man in his dispute in any way threatens to cease giving his tithe, or threatens to stop giving the extra offerings, or threatens to leave the church altogether, then his previous offerings have in fact become *retroactive bribes*. This is a practical reason why it is imperative for all voting members[30] of a congregation to be required by church law to tithe to the local church. The

29. *Ibid*., p. xviii.

30. I am not saying that all communicant members should be forced to tithe as a condition of membership; only the voting members should be. Those members who refuse to pay their God-required share of the ministry should not be given judicial status in the government of the church. If they refuse to place themselves under the ecclesiastical requirements of God's law, then they should not exercise authority over others in terms of the God's law. They should not hold any ecclesiastical office. Voting

church's source of income must be wide and deep, in order to reduce the influence of any particular member.

The direct bribe is more likely to be offered to a civil magistrate than to a church officer. Why? First, because it is illegal to offer a bribe to a civil servant. Second, because the civil magistrate receives a guaranteed salary that is relatively independent of competitive pressures. Unlike a pastor whose church could be thrown into a crisis if a disgruntled rich person leaves, the civil judge has considerable coercive power over those who are tried by his court. Those standing before him cannot autonomously walk out and transfer membership to another jurisdiction before the trial begins.[31] The people in his court are paying their taxes to a third party, the tax collecting agency. The judge will probably not lose his job if he renders an adverse judgment against one of them, unless one of them is a political power broker or a celebrity who is popular with the public. If he is a lifetime judge, nothing but threats of coercion or promises of secret rewards may sway him. Thus, if he is to be influenced by a bribe, it is because he is *personally* after the money or other economic asset, such as inside information of economic value.[32] In short, the bribe to a specific civil officer is far more likely to be obvious to the recipient; the bribe to the church court is more likely to be indirect.

Again, one of the reasons why a civil court of appeal is necessary is to insure honest judgment for those without money or local influence. A more distant higher court is less likely to be swayed by questions of a person's local influence. Also, the person who offers a bribe locally will find it more expensive and more risky to continue to offer bribes to higher courts' officers. Thus, the potential payoff of bribing a local judge is also reduced; on appeal, the favorable local decision may be overthrown. The more visibly corrupt the paid-for local verdict is, the more likely it will be overturned on the basis of law.

D. The Righteous Bribe[33]

Exodus 23:8 forbids the judge's acceptance of a bribe. A bribe perverts the wise and righteous person. Thus, the judge who is righteous

is an aspect of exercising citizenship, an office of judge. Gary North, *The Covenantal Tithe* (Powder Springs, Georgia: American Vision Press, 2011), ch. 9.

31. A "change of venue" plea can be offered, of course. The accused can request a trial in a different court. But such pleas can be turned down by the local court.

32. Henry Manne [MANee], *Insider Trading and the Stock Market* (New York: Free Press, 1966).

33. The original version of this section appeared as Appendix 5 in R. J. Rushdoony, *The Institutes of Biblical Law* (Nutley, New Jersey: Craig Press, 1973). I have yet to receive

is characterized in part by his refusal to accept a bribe. The law of God is to be applied to each case before the court, irrespective of the personal advantage of a judge. The court has been granted a monopoly by God. It represents God in a covenantal hierarchy.[34] A judge is not to seek personal gain through altering justice, either to render a corrupt judgment or a righteous one.

But what of the unrighteous judge who rules in a corrupt society? What can righteous people do about him? If a righteous person is brought before an unrighteous judge or an unrighteous court, how does he gain righteous judgment? What if he is a stranger in some society that expects bribes from those seeking justice? An analogous example is the salesman who seeks to sell military equipment or other goods to nations governed by corrupt state officials. What if that nation's customs regarding state purchases recognize the legitimacy, or at least the necessity, of kickbacks and payoffs to public officials? In other words, what if some nation's traditions would rather have foreign capitalists pay part of the salaries of public officials, even though this means using tax money to buy possibly substandard foreign products? Obviously, to make such payments is to subsidize evil—corrupt officials—to some degree. On the other hand, to allow corrupt officials to continue to make personally profitable but socially bad decisions is also to subsidize evil to some degree. Wouldn't it be better to have a bribe-seeking public official profit from a good decision rather than from a bad decision? The question then arises: Are righteous people allowed to pay bribes, even though officials are forbidden by the Bible to receive them?

Contrary to most people's expectations, the Bible says yes. The Bible recognizes that in order to gain legitimate goals in life, righteous people are allowed to pay bribes to corrupt officials. In the same way that a bribe to a righteous judge is designed to twist righteous justice, a bribe to an unrighteous judge is designed to straighten out unrighteous judgments.

1. Solomon's Recommended Strategy

Solomon the wise understood this biblical principle of productive bribery:

---

a single criticism of the thesis. [Note in 2020: I have still received no criticism of the thesis.]

34. Ray R. Sutton, *That You May Prosper: Dominion By Covenant*, 2nd ed. (Tyler, Texas: Institute for Christian Economics, [1987] 1992), chaps. 2, 12.

> A gift is as a precious stone in the eyes of him that hath it: whithersoever it turneth, it prospereth (Prov. 17:8).
>
> A gift in secret pacifieth anger: and a reward in the bosom strong wrath (Prov. 21:14).[35]

Notice the phrase, "a reward in the bosom." It produces a mental image of a secret gift, one tucked away in one's cloak. Nevertheless, someone might argue that Solomon did not have civil government in mind when he wrote these two proverbs. Perhaps Solomon had in mind only personal friendship rather than civil justice. But to argue in this fashion makes it very difficult to interpret Solomon's use of the parallel phrase "a gift out of the bosom" in reference to paying bribes to civil magistrates:

> A wicked man taketh a gift out of the bosom [under his cloak—G.N.] to pervert the ways of judgment (Prov. 17:23).

He had in mind a judge, someone who has the power "to pervert the ways of judgment." Solomon was not talking about gifts of friendship; he was talking about gifts to produce favorable judgments.

It might also be argued that Solomon was simply commenting on the reality of the success of bribery, but not promoting the offering of bribes. If so, then why would he say of a bribe that "whithersoever it turneth, it prospereth"? Does evil always prosper? Not in the long run, certainly. So, he seems to have had in mind the *righteous bribe*—a gift to an unrighteous judge from a righteous person in order to gain righteous judgment.

2. Other Biblical Examples

When Jacob passed through the land controlled by his brother Esau, he had his servants present Esau with a series of presents, each nicer than the previous gift. He self-consciously decided to buy off his brother's wrath by a systematic program of bribery (Gen. 32:13–21).[36] Why was this necessary? Because his brother was a corrupt and present-oriented person. It was better, Jacob decided, to pay bribes to Esau in advance than to risk a military confrontation with him. The bribe, unlike tribute, was offered voluntarily in advance of Esau's rendering of judgment against Jacob. Esau did not impose a military defeat on Jacob and then ask for tribute from him. Instead, Jacob

35. Gary North, *Wisdom and Dominion: An Economic Commentary on Proverbs*, 2nd ed. (Dallas, Georgia: Point Five Press, [2007] 2012), ch. 65.

36. Gary North, *Sovereignty and Dominion: An Economic Commentary on Genesis* (Dallas, Georgia: Point Five Press, [1982] 2012), ch. 29.

acted in advance of what he wisely expected to be a losing military effort when he passed through his brother's jurisdiction.

We also have examples of *negative bribes*: the imposition of unpleasantness on judges, with an implicit offer to stop, once judgment is rendered. Jesus told a parable of an unjust judge and a righteous widow. The judge, first of all, "feared not God, neither regarded man" (Luke 18:2). The widow comes to him to be avenged of her adversary. He refuses to render a decision. So she comes again. And again. She refuses to let him alone. Finally, he can stand it no longer. He announces, in desperation: "Though I fear not God, nor regard man; yet because this widow troubleth me, I will avenge her, lest by her continual coming she weary me" (vv. 4b–5). Let us not miss the economics of all this: the widow had offered the judge a bribe. "Render judgment," she was saying, "and I will give you peace. I will stop demanding judgment. I will *pay* you by going away and leaving you in peace." She was entitled to judgment, and she insisted on getting it. It was a reverse bribe: "I will pay you after the judgment is rendered." She did not ask for unrighteous judgment; she merely asked for prompt judgment. She asked for what God says that she was entitled to.[37]

I realize that Bible commentators are not used to thinking in terms of subtle economic concepts such as reverse bribery. Yet we use a similar approach all the time when dealing with our children. We offer "carrots" for good behavior, and we offer "sticks" for bad behavior. We keep telling them to obey, with the harshest, most fearsome tone of voice we can muster; we make them feel uncomfortable. We implicitly promise to leave them alone if they obey. They dearly want to be left alone. When they do what we tell them, we once again speak pleasantly to them. They want to avoid our harsh words, so we devise a system of negative rewards that uses this desire to our advantage. We also use positive rewards. We offer them payment if they obey. The goal of each kind of reward is the same: *gaining their cooperation*. The same is true of negative bribes and positive bribes: we seek to gain corrupt officials' cooperation.

3. The Sermon on the Mount

Consider also Jesus' recommendations in His famous Sermon on the Mount. He set forth suggestions for daily conduct in a world controlled by unrighteous people.

---

37. Gary North, *Treasure and Dominion: An Economic Commentary on Luke*, 2nd ed. (Dallas, Georgia: Point Five Press, [2000] 2012), ch. 42.

> Agree with thine adversary quickly, whiles thou art in the way with him; lest at any time the adversary deliver thee to the judge, and the judge deliver thee to the officer, and thou be cast into prison (Matt. 5:25).[38]

> And if any man will sue thee at the law, and take away thy coat, let him have thy cloak also. And whosoever shall compel thee to go a mile, go with him twain (Matt. 5:40–41).[39]

Jesus informed His followers that they should give to those in power over them, i.e., if anyone can *compel* our cooperation, an extra measure of cooperation. Give him your cloak also, He said. If such a gift were truly voluntary, we would call the extra gift a tip for good service or charity to the needy. What, then, should we call such cooperation under conditions involving the threat of external compulsion? *Obviously, this is bribery*. A bribe is a gift to a public official over and above what is legally required or officially asked for. Such a bribe enables a Christian to escape the full force of the wrath that, in principle, a consistent pagan ruler would impose on Christians if he realized how utterly at war Christ and His kingdom are against Satan and his kingdom. In other words, a bribe pacifies the receiver, just as Solomon said.

The ethic of the Sermon on the Mount is grounded on the principle that a godly bribe (of goods or services, cloak or walk) is sometimes the best way for Christians to buy temporary peace and freedom for themselves and the church, assuming that the enemies of God have overwhelming temporal power. Jesus was giving suggestions for a captive people who labored under the domination of the Roman Empire. This is also the context of His famous recommendation to turn the other cheek (Matt. 5:39). His advice should not lead us to believe that the proper Christian attitude under all circumstances should be to agree with our enemies. Perpetual forgiveness and endless toleration of evil should not be our attitude when we are given lawful authority over evil-doers. When we are given the lawful authority to prosecute, convict, and punish evil people in the civil courts, we should do so.

Jesus warned His listeners to "resist not evil" (Matt. 5:39). Is this a universal rule applicable in all circumstances? Not at all. James tells us, "Submit yourselves therefore to God. Resist the devil, and he will flee from you" (James 4:7). Why the difference in the recommended

38. Gary North, *Priorities and Dominion: An Economic Commentary on Matthew*, 2nd ed. (Dallas, Georgia: Point Five Press, [2000] 2012), ch. 8.
39. *Ibid.*, ch. 9.

strategies? Because Jesus' words were directed toward a captive people who were under the heel of frequently evil local rulers who were the agents of Rome. He had in mind civil conduct by a captive nation. His advice? "Do not become violent revolutionaries. Don't provoke a head-on armed conflict with military power that exceeds yours." In contrast, James set forth a principle of moral conduct: resist the devil. Sometimes the best way to resist the devil is to cooperate temporarily with his subordinates, the way that Obadiah cooperated with King Ahab in order to save the lives of a hundred prophets (I Kings 18:13). We cooperate with evil-doers for the purposes of subversion. In effect, we become spies for God's kingdom in a strategy of conquest. We do what Moses did as a young man in Pharaoh's court, Rahab did in Jericho, Ehud did with Eglon when he brought the king a "present," and Jael did with Sisera before he slept. We "play ball" long enough to get an opportunity to crush their skulls with the bat.

Does an evil civil ruler deserve obedience? No; he deserves eternal punishment. Is it wise for Christians to render an evil civil ruler obedience? Yes, but only if his judgments cannot be successfully overturned in court by superior magistrates or if he cannot be successfully overthrown by lower magistrates.[40]

To the extent that a Christian's position in some period of history resembles the plight of the Christians under Roman rule, he should take heed of the Sermon on the Mount. He should remain outwardly cooperative with civil magistrates. Under the rule of a Hitler or a Stalin, the Christian's proper response is outward subservience. He should bribe the dictator's lieutenants, join a Christian underground, and continue preaching the gospel, both openly (where legal) and clandestinely (where illegal). Bribes and outward cooperation gain people time and influence. The Christian can then continue his work of reshaping people's religious views, thereby undermining the power base of the tyrant. He should be as wise (and deadly) as a serpent by appearing as harmless as a dove.

This raises the practical question of how to deal with the Christian who insists in advance that he will inform on other Christians who break any civil law, or at the very least will tell the truth to any civil magistrate who asks him a question about someone else's law-breaking. First and foremost, such a compulsive truth-teller has not un-

40. John Calvin, *Institutes of the Christian Religion* (1559), Book 4, Chapter 20. See also Michael Gilstrap, "John Calvin's Theology of Resistance," *Christianity and Civilizatio*n, 3 (1983), pp. 180–217.

derstood the Bible, especially the case of Rahab the God-honoring liar.[41] Second, in a major crisis where the state threatens the church or obedience to biblical principles, it then becomes the moral responsibility of other Christians to lie to, confuse, and generally misinform any "blabbermouth for Jesus" in their midst. A real-world example of the threat of this sort of self-righteousness would be the case of Christians in Europe who hid Jews in their homes. Immediately after a successful invasion of a country, the Nazis insisted that all Jews report to local police headquarters. It was clear that the Jews were being shipped to concentration camps. Many Christians in the Netherlands, for example, hid Jews on their farms or in other hiding places. It was imperative that informers, Christian and non-Christian alike, not be given evidence of such activities. Lying to Christian informants was as ethical as lying to the state officials who were being served by collaborating Christians as their agents.

4. The Failure of Neutrality

If a bribe offered by a righteous man to an unrighteous court is legitimate in God's eyes, yet an offer of a bribe to a righteous judge is illegitimate, then a problem arises: how to discover a common definition of criminal behavior that encompasses the visible, prosecutable activity of paying off a judge. Can a proper definition be found that allows prosecution without relying on an investigation into the question of demonstrable intent of the briber? Can a biblically sanctioned legal definition of criminal action be imposed that does not raise the question of the legitimacy of the judgment sought by the briber? Can both the briber and the bribee be legitimately convicted, irrespective of the intent of the briber?

The Bible's answer is clearly no. No common-ground definition of bribery is possible. There are biblically legitimate bribes as well as biblically condemned bribes. Judges must never accept bribes, the Bible teaches, but bribers are sometimes acting legitimately. Thus, *no common-ground, natural-law principle can be invoked to define specific visible acts that invariably constitute criminal bribery*. Noonan, as a Roman Catholic defender of natural law principles, searched in vain to provide a single definition of bribery that can be imposed on any society, irrespective of that society's theological roots. It is interesting that

41. Gary North, "In Defense of Biblical Bribery," in R. J. Rushdoony, *Institutes of Biblical Law*, pp. 838–42. Jim West, "Rahab's Justifiable Lie," *Christianity and Civilization*, 2 (1983).

Thomas Aquinas did not invoke natural law theory in his discussion of bribery, and in this, Noonan said, "Thomas is representative of the medieval theologians working in the natural law tradition."[42]

Here is what I wrote in the early 1970s. I have not changed my opinion:

> There can be no neutral, universal application of a word like "bribery," for, to make such a universal definition, we would have to assume the existence of some universal, neutral, and completely accepted legal code. That is the basic presupposition of humanism, but Christianity denies such neutrality. Neutrality does not exist. Everything must be interpreted in terms of what God has revealed. The humanistic goal of neutral language (and therefore neutral law) was overturned at the Tower of Babel. Our *definitions* must be in terms of *biblical revelation*. Resistance to unjust laws is not anarchy; resistance to just laws is anarchy. Rahab was right, though her apostate state would have regarded her as treasonous; Judas Iscariot was wrong, though an apostate state regarded his actions as exemplary, and rewarded him handsomely. There is no universal definition of a concept like treason. God's law and His specific guidance determine what is or is not treasonous or anarchistic. Rahab was the saint and Judas was the traitor.[43]

I linked treason and bribery together because they are obvious examples, biblically, of the impossibility of finding a universal definition of crime without any appeal to biblical ethics. What I did not recognize until I read Noonan's book is that treason and bribery are the two crimes mentioned by name in the United States Constitution.[44]

The legitimacy of certain forms of bribery points directly to the moral necessity of theocracy: the rule (*kratos*) of God (*theos*). If God's revealed law in the Bible is not acknowledged by the civil courts as the ultimate standard of civil law, then the state will of necessity convict people who are biblically innocent of any crime, or else fail to convict others who are guilty as charged. Once we recognize this fact with respect to crimes as important as treason and bribery, we also ought to recognize it with respect to the whole of civil law. To fail to recognize this is to continue to deny the moral and civil legitimacy of biblical law itself. Natural law theory is a myth. It is time for Christians to abandon it.

---

42. Noonan, *Bribes*, p. 212.

43. North, "In Defense of Biblical Bribery," in Rushdoony, *Institutes of Biblical Law*, p. 843.

44. Noonan, *Bribes*, p. xvi.

E. Highest Bid Wins: Illegitimate for Governments

We hear of bribes offered to public officials. We seldom hear of bribes offered to businessmen. We expect to hear of businessmen offering bribes, but we do not expect to hear of businessmen being offered bribes. Why not? Because the concept of bribery is linked almost exclusively to the misuse of a God-sanctioned monopoly, a judicial office. A bribe is a payment to an official. When one capitalist makes a cash payment to another in order to gain his cooperation, this is called market competition, not bribery.[45]

1. Free Market Pricing

This illustrates a very important economic principle: *different systems of financing govern different sovereign spheres of society*. The principle of "highest bid wins" governs the competitive free market. If this principle were not honored, then the auctions (competitive open markets) of the world could not function, as we shall examine in detail below. Men always have expectations of how resources are to be distributed in any social order. If the principle of private ownership is maintained by the civil authorities, then people know that they have the *right to exclude others* from access to their property. The civil government is expected to uphold ownership *boundaries*.[46] Only by offering higher and higher bids can other people hope to gain access to my assets and the key legal right (immunity) associated with ownership, namely, the right to exclude. The principle of *highest bid wins* is inherent in any society that upholds the private property system. The rules of economic order are known in advance, and people can make economic plans for the future in terms of these judicial assumptions.

The difference between the operation of the free market and the operation of the court system is that God has granted a legal monopoly of enforcement to church government and civil government. Courts must serve as the final voice of civil authority.[47] They are to

45. An exception: a salesman who pays a bribe to a purchasing agent who is in a position to place a large order using his firm's money. They in effect "split the commission." This is a violation of company policy on the part of the purchasing agent, who is misusing company funds in order to get a personal reward. It is a criminal offense: theft. This must be recognized for what it is: a violation of company policy. It is not inherently a "capitalist act." It is a thief's act.

46. This is point three of the biblical covenant: Chapter 28.

47. If a national (or international) supreme court possesses, as a side-effect of rendering judgments in court cases, the constitutional authority to declare an act of the legislature illegal or unconstitutional—a power possessed by the U.S. Supreme Court (though not by many other nations' courts)—this power should be tempered by the

be neither open nor competitive.[48] This means that they are not to be governed by the capitalist principle of "highest bid wins." No man is supposed to be able to pay a court to gain his preferred decision, nor should people be able to "shop around" in search of a court more likely to be favorable to them.

A church government has been granted a unique monopolistic authority over those who have voluntarily covenanted with it (or whose parents have). A civil government has been granted a unique geographical monopoly over those who have covenanted with it (or whose parents have). The state represents God to those within its geographical boundaries, and it possesses an authority defined by constitutional law or custom. Thus, a court is not governed by the principle of "highest bid wins." To imagine that such a principle governs the courts is to imagine that God honors the same principle in His rendering of judgment. It would mean that rich people could buy a decision from God. But they cannot do this, even if they owned the whole world. "For what shall it profit a man, if he shall gain the whole world, and lose his own soul?" (Mark 8:36). God honors Himself alone by honoring His law. All men are judged by His law. He does not respect persons, including those who could offer him a higher bid. The basis of rewards in eternity is righteousness.

2. Highest Ethical Bid?

Someone could argue that the principle of "highest bid wins" still operates in God's courtroom of final judgment, in the sense that righteousness should be the true "coin of the realm," and therefore those who pay the most, ethically speaking, will receive the highest rewards (I Cor. 3:13–15). But there is a fundamental difference in the operating principles of the competitive market for goods and the closed monopoly of God's final judgment. The free market for goods oper-

right of the legislature and the executive to combine (if they are divided) in a decision to overturn the supreme court's decision, if the vote of the legislature is large enough (say, three-quarters of both houses of the legislature). Without this right of appeal beyond the supreme judicial court, a single agency of civil government gains the exclusive voice of authority, a power trustworthy only in the hands of God. On the accelerating power of the U.S. judiciary, see Carrol D. Kilgore, *Judicial Tyranny* (Nashville, Tennessee: Nelson, 1977).

48. The legitimacy of a system of exclusively private, competitive, profit-seeking, free market civil courts is promoted by Bruno Leoni, *Freedom and the Law* (Princeton, New Jersey: Van Nostrand, 1961); cf. Murray N. Rothbard, "On Freedom and the Law," *New Individualist Review*, I (Winter 1962), pp. 37–40; reprinted in one volume by Liberty Fund, Indianapolis, Indiana, 1981, pp. 163–66; Rothbard, *For a New Liberty: The Libertarian Manifesto*, 2nd ed. (Auburn, Alabama: Mises Institute, [1973] 2006), pp. 282–90.

ates in terms of *objective prices*, irrespective of one's relative capacity to pay. In contrast, God's monopoly of final judgment operates in terms of one's objective performance *relative to one's gifts*. The story of the widow's two mites informs us of this latter principle. Those rich people who gave much into the treasury did not give nearly so much as the poor widow who cast in two small coins, for this was all she possessed. Jesus said, "For all they did cast in of their abundance; but she of her want did cast in all that she had, even all her living" (Mark 12:44).[49] God, unlike man, can search each heart. He knows what we possess and what it has cost us to give up something.

The principles that govern God's final judgment are predictable. They are revealed to everyone in the Bible. The principle of "highest ethical bid wins" *does* govern God's court: the perfect life of Jesus Christ, and His full payment on the cross. God's wrath is placated alone by this voluntary act of covenantal mercy on the part of Jesus Christ. Those who place themselves under Christ's jurisdiction thereby escape the perfect wrath of God. They then receive rewards in terms of their ethical performance, but only because they have first built on the foundation that Jesus Christ laid at Calvary (I Cor. 3:9–11).[50] These rewards are granted on the basis of (1) gifts originally given to him by God and (2) the individual's lifetime ethical performance in terms of these gifts. The high bids are relative, not absolute. They are bids in terms of ethical performance, not financial performance.

A human court cannot search the heart in this way. The judges do not know what is in people's hearts; at best they can estimate. Human courts must render judgment in terms of public evidence regarding people's *objective external acts;* judges and juries can only indirectly search for a person's motives, for they must rely on objective, corroborated public testimony in the collection of facts. They cannot know what "ethical assets" any person possesses. Thus, a human court must judge human guilt or innocence in terms of people's objective conformity to God's revealed law. Whatever subjective motivations may have existed in the mind of someone who has committed a trespass, these motivations must be ascertainable through public evidence.

49. Gary North, *Trust and Dominion: An Economic Commentary on Mark* (Dallas, Georgia: Point Five Press, 2012), ch. 19.

50. Gary North, *Judgment and Dominion: An Economic Commentary on First Corinthians*, 2nd ed. (Dallas, Georgia: Point Five Press, [2001] 2012), ch. 3.

3. Financing Human Courts

This leads to definite conclusions concerning the financing of human courts. The principle of the "widow's mite" cannot be invoked to justify any particular financing system for a court. The "widow's mite" principle of sacrificial giving can be legitimately invoked only by God in rendering His judgments, in time and eternity, for He alone can search men's hearts. The Bible informs us of the principle of financing for the local church: the tithe. Samuel informed the Hebrews that the future king would also invoke the requirement of the tithe (I Sam. 8:15, 17). It was the level of civil taxation that Samuel warned against—a level equal to God's tithe—rather than the principle of equal proportional taxation.[51]

Human courts should not be financed by requiring all people to pay the same fixed money price, for this would allow rich people to escape their obligations too lightly.[52] It would also either destroy the finances of the poor or strangle the courts. *The principle of the tithe must govern the two monopolistic human courts, church and state*; each person under the jurisdiction of the monopolistic government pays the same percentage of the net increase of his income. This way, the poor person knows that the system is fair. He will receive justice because he has paid as much—a known percentage of his net income—as the rich man. He is therefore entitled to the same impartial justice.

On the other hand, the graduated income tax—making rich people pay a larger percentage of their income than other pay—is as corrupt as the so-called "head tax" system. Coupled with democratic voting privileges, the graduated income tax transfers legal control over one group's wealth into the hands of another. Karl Marx believed that when a graduated income tax is imposed on a nation, in principle it has taken one of the ten steps toward communism.[53] The almost universal acceptance in the twentieth century of the legitimacy of the "progressive" income tax was indicative of just how far the modern

51. Gary North, *Disobedience and Defeat: An Economic Commentary on the Historical Books* (Dallas, Georgia: Point Five Press, 2012), ch. 14.

52. The so-called "head tax" of Exodus 30:11–16 was not a civil tax at all, contrary to Rushdoony. It was an atonement payment that was required before the Hebrews marched to war. See Chapter 58. See also James B. Jordan, *The Law of the Covenant: An Exposition of Exodus 21–23* (Tyler, Texas: Institute for Christian Economics, 1984), Appendix D. Rushdoony's comments are found in *Institutes of Biblical Law*, pp. 281–82, 492, 510, 719.

53. Karl Marx and Frederick Engels, *Manifesto of the Communist Party* (1848) in Marx and Engels, *Selected Works*, 3 vols. (Moscow: Progress Publishers, [1969] 1977), III, p. 126.

world had drifted (or run) from the Bible. Even economists who defend the free market have frequently accepted its legitimacy.[54] That Christian social thinkers should promote the graduated income tax in the name of Jesus is almost beyond belief; that one of them should call for a "graduated tithe"—a graduated ten percent?—indicates the extent of the moral and intellectual confusion of our day.[55]

Civil courts should be financed through tax revenues raised by equal proportional giving by the rich, the middle class, and the poor, either by a sales tax or an income tax.[56] The *principle of proportionality* must govern civil governments, for they are closed monopolies, not open competitive markets. The predictability of the courts' enforcement of God's law is the foundation of justice, both civil and ecclesiastical. It is also the foundation of social peace. Taking a bribe corrupts a Bible-based judicial system, for it introduces uncertainty and judicial self-interest into the court. The poor person never knows if he can trust the court, because a rich man may pay a small percentage of his assets to a judge—an absolute amount that is far beyond the capability of the poor person to match. A judge should no more take a bribe to pervert biblical justice than God would.

F. Highest Bid Wins: Mandatory for Markets

What I am arguing should be clear to everyone: *different forms of sovereignty require different forms of financing*. For example, to propose a financing system that is appropriate for the church or state as the proper way to run a competitive market system is to propose the destruction of the free market, as surely as the free market's financing principle would destroy the integrity of the church or state.

To examine how an institution can be destroyed by an inappropriate principle of financing, let us examine the operations of a competitive free market. Those potential buyers who bid the highest amount of money are thereby able to gain, through *voluntary transfer*, legal access to the sought-after goods, unless a seller for some reason prefers to forfeit money that is available to him in order to deliver the goods to someone making a lower bid. Such a below-market wealth

54. Walter J. Blum and Harry Kalven, Jr., *The Uneasy Case for Progressive Taxation* (Chicago: University of Chicago Press, 1953).

55. Ronald J. Sider, *Rich Christians in an Age of Hunger: A Biblical Study* (Downers Grove, Illinois: Inter-Varsity Press, 1977), pp. 175–78.

56. The sales tax is far more resistant to a call for graduated taxation, so I favor it. An example of a sensible tax is the tax on gasoline, assuming that all of the revenues generated by it go toward highway maintenance and safety.

transfer is a form of charity, not a profit-seeking business. While such decisions on the part of sellers are legal, they are not common. The highest bid usually wins. In any case, the highest bid inescapably forces the seller to consider the personal cost of not honoring the highest bid, i.e., forfeited income.

In a free market, auctions (the market process) are conducted in terms of public bids that are legally unconnected to considerations of the size of the bids in relation to the potential buyers' income level (the tithe principle) or net worth (the "widow's mite" principle). They must be separated, if increasing economic output and the competitive performance of producers are to be furthered.

1. Net-Worth Bidding

Consider the alternative. What if a society by civil law required all economic transactions to be conducted in terms of this principle: "the highest percentage of one's net worth offered in exchange will win the auction"—an economy based on the "widow's mite" principle? Bidders would not know who won the auction until a detailed study of each bidder's present net worth was conducted. Producers would be forced by law to sell expensive items and services to people who own almost nothing but who are willing to pay a very high percentage of their assets in order to buy something. Obviously, production would grind to a halt. People would begin to produce only for their own personal use—outside of the open market. They would be afraid to bring their goods and services to sell to "highest percentage" bidders. The division of labor would collapse. So would per capita productivity and income.

An example may help to illustrate this. An automobile salesman would be required by law to sell a car to the person who offered the highest percentage of his present assets. Instead of a price sticker on the car's window that says so much money, it would list a percentage number. "This week only: 35% of your net worth!" What would be the quickest way to buy the car? *Lower your net worth*. Instead of competition in terms of the production of assets, we would see competition in terms of destruction of assets. *The spendthrifts would inherit the earth*.

A poor man who really wanted a car to drive (or park it with an empty gasoline tank in front of his home) might be willing to give up almost everything he owns to buy it. He would therefore willingly come close to making the automobile into an idol. But he would not be pressured by the market to increase his personal productivity in or-

der to buy it. In such a social order, no strictly objective performance is required: exactly so much money in exchange for the car. Instead, the test would be the percentage of his bid in relation to his present assets. This would virtually destroy the predictability of market pricing. A person with greater net worth who wanted to buy the car, either for personal use or business use, would be outbid by the person willing to make the car into a near-idol. Unless the second man was also willing to make the car into his own near-idol, sacrificing nearly everything he owns to buy it, he would not be able to buy the car.

2. Future-Orientation

The competitive free market encourages people to plan for the future, to become productive. It pressures them to use their skills and capital to create value—value registered in terms of competitive bids by potential consumers. To become a consumer, you must first become a producer, unless you are being supported by your inheritance, or by charity, or by the privately wielded sword (criminals), or by the civil government's sword (welfare recipients). The market steadily pressures participants to become productive because it is governed by the principle of "highest bid wins"—bids usually registered by money, but at least in goods or services (barter). The market also pressures people to become future-oriented. They have to earn money through personal productivity in order to make future purchases.

If the principle of "highest money bid wins" is abandoned, then the economic system becomes intensely present-oriented. People would look only to their present assets as the basis of their ability to buy what they want. They would be able to buy things by becoming poorer. If they can reduce their net worth sufficiently, and can squeeze their living standards down to the near-starvation level, they can buy their one dream item for practically no money, just as long as the purchase price absorbs a very high percentage of their assets. They sacrifice nearly everything they own, once, in order to make that one dream purchase. Attaining their dream impoverishes them. If this is not a form of implicit idol-worship, what is? The principle of the "widow's mite," which is appropriate for sacrificial *giving*, becomes a means of personal and cultural idolatry when it becomes sacrificial *buying*.

Another very efficient and pleasant way to reduce your net worth is to go deeply into debt for consumer goods and services that depreci-

ate faster than the obligation is reduced. This, too, is counter-productive. It is a decision based on a deeply entrenched present-orientation.

3. The Sellers' Dilemma

We have been speaking of buyers (sellers of money). What about sellers (sellers of goods)? Consider the car salesman. He sells cars, but he also buys cars. How would he be able to order a replacement car for every car sold? Only by offering the highest percentage of his dealership's assets. Small, struggling, very high-risk dealerships that order a very small number of cars could get delivery precisely because they have so *few* cars in inventory, i.e., so little net worth. Obviously, the number of automobile orders would drop as small, struggling dealers became the legally competitive bidders. Fewer orders would lower the factories' efficiency by increasing the cost-per-unit-produced, thereby reducing output. Reducing output is not the way to national prosperity.

Meanwhile, in the international competition for scarce resources, everyone outside the nation would be operating in terms of highest money bid wins. If you were a resource owner in another nation, to whom would you sell your assets? To residents of a nation governed by highest *money* bid wins or residents of a nation governed by highest *percentage of assets* bid wins? Probably you would sell it to whichever bidder brought in the highest price. So, any nation operating in terms of "highest percentage of assets presently owned" would remove itself from the world's market. Thus cut off, it would grow steadily poorer. It would be a nation characterized by falling production and the consumption of present assets. It would be a capital-consuming society.

4. Privacy

There is another factor to consider. Every transaction would require the seller to examine the assets of every potential buyer. The buyer (seller of money) would have to bring with him a government-authorized statement of exactly what he owned at that moment. It would be like paying your income tax every time you went to the market. It would be worse; it would be like going through an audit by the civil tax collector or ecclesiastical tithe collector every time you went to the market. No shred of financial privacy would remain in the society. It would also lead to the creation of counterfeit asset evaluations, for these would serve as the new currency of the realm. You

can see where the principle of "highest percentage of owned assets offered in exchange" would lead to: reduced national competitiveness, reduced savings, falling income, petty tyranny, and massive cheating. In short, it would lead to bankruptcy and national extinction.

What I have described is a topsy-turvy economic world. It makes no sense. It sounds like a scene out of *Alice in Wonderland*. So, why dwell on the obvious? Because not all people acknowledge the obvious. They seek to operate one sphere of human existence in terms of financing principles appropriate for another sphere. Today we have far too many self-professed Christian social theorists who recommend taxing and financing policies that would drastically hamper or even destroy the free market. It is necessary to demonstrate clearly that the free market operates under a different set of financing principles from those governing a God-ordained monopoly government. The *voluntarily accepted* principle of "highest money bid wins" governs the free market. The principle of the *God-required* tithe governs the church. The principle of the *coercive* fixed percentage of net income (income tax) should govern the civil government, or else a fixed percentage of market purchase price (sales tax or use tax). In short, a monopolistic court is not an open competitive market. Both church and state are monopolistic courts.

Conclusion

Noonan's book on bribery is built around a single theme: that a bribe is a form of *reciprocity*. Why is it, his book asks, that reciprocity is basic to human life, yet in the case of bribery, it is condemned? His book provides no real answer. The biblical answer is primarily theocentric: *God's dual character as Judge and also as Creator-Redeemer*. Secondarily, it rests on the difference between a monopolistic court and an open market. The court does not operate in terms of economic reciprocity; the market does. The court enforces the law of the God who declares that which is criminal and who specifies appropriate penalties. The reciprocity associated with a court is found in its imposition of a restitution program. The criminal repays his victim. The principle of reciprocity is enforced by the court on those who stand before it, righting wrongs and restoring order. There is no reciprocal economic relationship between the court and those being judged.

Men are wicked if they take bribes to pervert righteous judgment. God's laws are supposed to be every judge's standard. He is not to respect persons. He is not to favor one or the other. The court is

to imitate God as the cosmic Judge: "Wherefore now let the fear of the LORD be upon you; take heed and do it: for there is no iniquity with the LORD our God, nor respect of persons, nor taking of gifts" (II Chron. 19:7). Yet we are told that God *does* take gifts: "And many brought gifts unto the LORD to Jerusalem" (II Chron. 32:23a). God never takes a gift or bribe in His capacity as Judge: "For the LORD your God is God of gods, and LORD of lords, a great God, a mighty, and a terrible, which regardeth not persons, nor taketh reward" (Deut. 10:17).

Noonan wrote, "As a believer in religion, I have asked how prayer and sacrifice to God are different from bribes."[57] What is the difference? It is the difference between worship and judgment. We do not lawfully ask God to pervert judgment when we pray or bring sacrifices to him. We honor Him as Creator and Redeemer, not as Judge. Civil judges are not to receive gifts because they are neither to be worshipped nor asked to pervert judgment; they serve as representatives of God's justice, not God's character as Creator and Redeemer.

The evil of taking gifts is the evil of threatening unrighteous judgment through respect of persons. Taking a bribe is synonymous with perverting judgment; it is prohibited in the affairs of civil or ecclesiastical judgment. It is not wrong for pastors to receive gifts to the church in the name of God, but to the extent that these gifts are received in order to pervert justice, they are regarded by God as bribes. Thus, church rulers have a more difficult task in identifying bribery than civil judges do. The civil magistrate does not represent God in His capacity as Creator and Redeemer, but only in His capacity as Judge. He is unlikely ever to be given a gift, except in his capacity as judge. This is not true of the church officer, who receives gifts in the name of the church.

The Bible does not teach that bribe-offering is always wrong. If given by a righteous person who seeks righteous judgment from an unrighteous judge, it is valid. If given by someone to pervert God's law, it is evil. The quest for a neutral definition of bribery which equates both practices is a biblically illegitimate quest.

57. Noonan, *Bribes*, p. xvi.

53

SABBATICAL LIBERTY

> *Also thou shalt not oppress a stranger: for ye know the heart of a stranger, seeing ye were strangers in the land of Egypt. And six years thou shalt sow thy land, and shalt gather in the fruits thereof: But the seventh year thou shalt let it rest and lie still; that the poor of thy people may eat: and what they leave the beasts of the field shall eat. In like manner thou shalt deal with thy vineyard, and with thy oliveyard. Six days thou shalt do thy work, and on the seventh day thou shalt rest: that thine ox and thine ass may rest, and the son of thy handmaid, and the stranger, may be refreshed.*
>
> EXODUS 23:9–12

The theocentric framework of this passage is the prohibition of oppression of the people or the land itself. Like the people, the land deserved its rest. So did the animals. This has to do with sanctions: point four of the biblical covenant. *God is Deliverer or Liberator*. James Jordan has argued that the theme of the Book of Exodus is God's deliverance of His people from bondage to sabbath rest. "The instructions for the design of the Tabernacle culminate in sabbath rules (31:12–17), and the procedure for building the Tabernacle commences with sabbath rules (35:1–3). The book closes with the definitive establishment of Old Covenant worship on the very first day of the new year. Thus, the book moves from the rigors of bondage to the sinful world order, to the glorious privilege of rest in the very throne room of God."[1] I argue that the placement of the Book of Exodus as the second book of the Pentateuch indicates that its central theme is that of the second point of the biblical covenant, hierarchy.

1. James B. Jordan, *The Law of the Covenant: An Exposition of Exodus 21–23* (Tyler, Texas: Institute for Christian Economics, 1984), p. 75.

A. Sabbath Rest

The theme of sabbath rest is one that should have been easily understood by the Hebrews. The rigors of endless toil under Pharaoh's taskmasters had caused them to cry out to God, the true Monarch, and He heard their cries (Ex. 3:7–9). He responded by sending Moses and Aaron with a request to Pharaoh: to allow His people to go three days' journey, to sacrifice to God, and then return—a seven-day round trip, a sabbath week of service to God rather than to Pharaoh (Ex. 5:3), although a week with the day of sacrifice taking place midweek. This was unacceptable to Pharaoh, who piled extra work on them as a punishment by forcing them to produce bricks without straw (Ex. 5:6–19). Thus, they saw the contrast: labor with sabbath rest periods under God versus endless toil under Pharaoh. They could have a feast with God on a day of rest (Ex. 5:1), or else they could remain in a strange land as slaves.

Initially, they chose slavery in a strange land, for their hierarchical representatives, the officers of Israel, complained against Moses and Aaron for having stirred up trouble (Ex. 5:19–21). They did not want to bear the responsibility of challenging a state that had attempted to slay their children and that had brought them into slavery to a self-proclaimed divine monarch. They preferred the familiar trials of slavery to what seemed to them to be a high-risk encounter with Pharaoh, not to mention the Red Sea, the wilderness, and the Canaanites.

Nevertheless, the prospect of rest from their labors had to be a tempting one. God offered them a sabbatical week of respite from their lives of unrelieved toil. *This sabbatical week was in fact symbolic of their deliverance*. Pharaoh fully understood this, which is why he refused to permit it. To grant them a week outside of his jurisdiction meant that in principle he would be acknowledging the sovereignty over him of the God of the Hebrews. This is what he dared not allow, given the theology of theocratic Egypt.[2] Granting sabbath rest for the Hebrews would have involved acknowledging symbolically his own covenantal subordination to God. The issue of sabbath rest is in fact an issue regarding God's sovereignty, meaning covenantal subordination.[3]

2. Chapter 10.

3. I have elsewhere argued that the New Testament places the locus of enforcement regarding the sabbath with the individual conscience (Rom. 14:5–6; Col. 2:16). See Chapter 24. To head off arguments that I am now denying my former arguments by making sabbath observance an issue of covenantal subordination, I need to point out that there are five biblical covenants: dominion, personal, familial, civil, and eccle-

B. The Heart of a Stranger

The Hebrews are told not to oppress a stranger because they "know the heart of a stranger." How can they know this? Because they, too, had been strangers in the land of Egypt. This raises a crucially important issue in philosophy, the issue of epistemology: "What can men know, and how can they know it?"

The question here is the question of empathy. It tells us that because we can look within ourselves, we can make judgments regarding the feelings of others. What they feel is sufficiently close to what we feel to enable us to make ethical judgments. This ability undergirds the so-called golden rule: "Do unto others as you would have others do unto you." This phrase is one of those famous phrases attributed to Jesus that He never quite said. What He said was this: "Therefore all things whatsoever ye would that men should do to you, do ye even so to them: for this is the law and the prophets" (Matt. 7:12).[4] It is closely related to Paul's words: "For all the law is fulfilled in one word, even in this; Thou shalt love thy neighbour as thyself" (Gal. 5:14). This is the requirement of Leviticus 19:18, which Jesus cited in Matthew 22:39–40: love your neighbor as yourself.

The humanist has a problem with this moral injunction. The problem was best stated in George Bernard Shaw's play, *Man and Superman* (1903): "Do not do unto others as you would they should do unto you. Their tastes may not be the same." There is an implicit lawlessness in this, as he says forthrightly in the same play: "The golden rule is that there are no golden rules." If each man is autonomous, and therefore utterly unconnected with other men by feelings and interpretations, then life is anarchy. But on the basis of the logic of autonomous man, there is no sure reason to believe that there are such connections. It may be convenient to believe that there are, if only to make sense of reality, but there is no way to prove that empathy serves as a means of unifying mankind.

But there *is* a link, the Bible tells us: the image of God in man. Man is made in God's image, and he is therefore responsible to God covenantally (Gen. 1:26–27). There are common emotional and ethical bonds in all men. These bonds can be actively suppressed, in the

siastical. The New Testament's covenantal subordination is directly personal under God, meaning that sabbath enforcement is no longer a judicial responsibility of family (when dealing with legal adults), church, or state. A person should not be disinherited, excommunicated, or executed because of his or her failure to observe the sabbath.

4. Gary North, *Priorities and Dominion: An Economic Commentary of Matthew*, 2nd ed. (Dallas, Georgia: Point Five Press, [2000] 2012), ch. 12.

same way that the knowledge of God is actively suppressed by sinful men (Rom. 1:18–22).[5] Nevertheless, these bonds serve as the basis of social cooperation, which in turn requires people to make ethical judgments.

The Israelites were reminded that they had been strangers in Egypt. They should therefore not imitate their tyrannical captors by imposing unrighteous judgments on those who are under their God-given authority. If they should do so, then God will remove this authority from them and punish them in the same way. To escape God's temporal covenantal judgments, men must obey God's law. *They must subordinate themselves to this law in order lawfully to execute righteous judgment on those beneath them*. As they do unto others, so will God do to them.

Then what about differing tastes? What about using our feelings as guides for dealing with others? If tastes are ethically random, or even ethically neutral, how can we rely on introspection as a guide to external behavior? The biblical response is clear: *tastes are neither random nor ethically neutral*. Tastes are inherent in men as God's creatures, although this testimony can be suppressed and twisted to covenant-breaking purposes. Because of sin, tastes must be governed by the standards of God's law. The Hebrews were supposed to remind themselves of what it meant to be an oppressed slave in a foreign land. They were required to eat bitter herbs each year at Passover (Ex. 12:8). Tastes are not random; bitter herbs for one person will taste bitter for others. The memory of the bitterness of slavery would be preserved by the bitter taste in people's mouths each year at the Passover feast.

The memory of their ancestors' years in Egypt was important for the life of the nation. This memory was to stay with them through the history taught to them as children at the Passover feast (Ex. 12:26–27), in the readings from the Torah, and from their instruction in the law. *Covenant ethics and covenant history could not lawfully be separated in Israel*. Because they shared a common covenant history, they were under covenant law. God had told them centuries before when *they* were slaves in Egypt not to forget to remind their heirs of this experience.

How could later generations remember? In what way had they been slaves in Egypt? How could God expect later generations to remember what had never in history happened to them personally?

5. Gary North, *Cooperation and Dominion: An Economic Commentary on Romans*, 2nd ed. (Dallas, Georgia: Point Five Press, [2000] 2012), ch. 2.

Because *life is covenantal*. In the same sense that all men have rebelled in Eden's garden, so were the Hebrews to regard themselves as having served a term as slaves. That sense is covenantal—personal, hierarchical, ethical, judgmental, and historical. God reminded the generation of the exodus that they had been slaves, and that they, meaning their heirs, would return to slavery in a foreign land again if they disobeyed Him (Deut. 28:64–65). Their heirs were required to remember this, too, long after that first generation had died in the wilderness.

The stranger in the land wants rest from his labors. He needs hope that at the end of his work, there will be rest. This is the equivalent of saying that at the end of his period of bondage, there will be liberty. This is the message of the Book of Exodus: *liberty comes through God's covenant blessings to those who serve God and other men faithfully through dedicated labor*. It was the denial of hope in future rest or future liberty that marked Pharaoh's Egypt. It marks every bureaucratic civilization.

C. Sabbath and Providence

The sabbath is an aspect of God's grace to man and the creation. It is the promise of rest and eventual liberty from bondage, primarily the bondage of sin. The Bible is clear: what man hopes to be his external reward from God he must therefore offer to all those under his authority. This includes not just people, but also animals and the land itself. The principle of interpretation goes from the least likely to the more likely. If man is to give even the land rest, then he is surely to give rest to the animals of the land. If he is to give animals rest, then he must surely be required to give strangers rest. If he is to give strangers rest, then surely he must give his servants rest. And if he is to give his servants rest, then he must surely give himself rest.

But how can he afford to give himself rest? Who is to guard the garden while he is resting? Who is to care for the needs of his family, his servants, strangers in the land, animals, and the land itself? Without man as the guardian and administrator, how will civilized life go on? The answer, of course, is theocentric: the sovereignty of God. *It is God who gives man rest, for it is God who providentially sustains man's environment and man himself*. If God refuses to give man rest, then rest becomes too expensive for man, too dangerous. Accepting rest from God requires a visible commitment to the covenant, faith that things will work out for the best for those who are obedient to God (Rom.

8:28).[6] Only this faith in God and His covenant blessings can relieve man of the worry that without his own efforts, all will be lost.

The sabbatical week is designed to persuade covenant man that he can trust God for one day per week. It breaks man of his spirit of self-centeredness. By resting from his labors on the sabbath, man learns to rest his mind and soul as well. He sees, week by week, that life goes on, that the system holds, even though he has not worked for one day in seven. This self-discipline is designed to increase his faith in the sustaining providence of God.

1. From Miracles to Weekly Thrift

For that first generation, the miracle of the daily manna was supposed to persuade them of God's providence. So was the fact that any manna collected beyond a day's use would rot (Ex. 16:20). They were taught to rely on God before they were taught to save for the future. The suspension of the law of rotting manna for the double portion they collected on the morning before the sabbath served as a double witness to God's providence: they had to gather a double portion to sustain them on the sabbath, when the manna would cease (Ex. 16:5). This taught them short-term thrift. But it was thrift within the context of daily miracles. On the day that the miracle of new manna ceased, the miracle of non-rotting manna replaced it.

Once they crossed over the Jordan River, the miracle of the daily manna ceased (Josh. 5:12). They had to transfer their faith in the miracle of the manna to the less visibly miraculous six-one weekly pattern. They would have to get their work done in six days, just as they had been required to collect a double portion of manna on the sixth day. Now, however, they could structure their workweek more rationally. There would be no equivalent of the rotting second portion of manna. They could accumulate the excess production of each day in order to survive the seventh day of rest without a crisis. They learned the principle of thrift by accumulating goods for the future through abstaining from maximum present consumption. They worked a little harder in the present in order to enjoy a period of rest in the future. This future-orientation would have been limited to six days at a time, had it not been for the law of the sabbatical year.

Long-term thrift was forced on them whenever they obeyed this law governing agriculture (Ex. 23:9–12). What they had learned in the wilderness through the miracle of the manna, they were to apply to

6. North, *Cooperation and Dominion*, ch. 6.

their daily labors in the land. What they learned in their weekly efforts to save for the future, they were to apply to the God-imposed sabbatical year cycle. One year in seven they were to allow the land to rest.

If the land was entitled to rest, then how much more the animals. If the animals were entitled to rest, how much more strangers within the land, and so on, right up the hierarchical chain of command to the master of the household himself. Everyone could look forward to rest, if each did his labor diligently, and if each saved a portion of his output for that future day.

2. The Psychology of Growth

Each person is supposed to be self-disciplined. As he matures in his Christian faith, he is supposed to operate faithfully under God without prodding from a superior. The sluggard is supposed to abandon his slothful ways.

> Go to the ant, thou sluggard; consider her ways, and be wise: Which having no guide, overseer, or ruler, Provideth her meat in the summer, and gathereth her food in the harvest. How long wilt thou sleep, O sluggard? When wilt thou arise out of thy sleep? Yet a little sleep, a little slumber, a little folding of the hands to sleep: So shall thy poverty come as one that travaileth, and thy want as an armed man (Prov. 6:6–11).[77]

The Hebrews were warned a generation before they entered the land what would be required of them. They would have to rest one day in seven, and rest the land one year in seven. They would have to save enough goods daily to get them through the day of rest, and they would have to save enough goods yearly to get them through the year of rest. The required self-discipline of future-orientation and thrift, coupled with the legal requirement to honor the sabbath, helped to create a particular attitude that leads to increased per capita output and lower interest rates.[8]

Reduced interest rates lead to greater output, for people are more willing to forego present consumption in favor of increased future consumption. This greater output could then be used to lend money or goods to non-Israelites, thereby gaining authority over them. This ability to lend is a sign of God's blessings:

7. Gary North, *Wisdom and Dominion: An Economic Commentary on Proverbs*, (Dallas, Georgia: Point Five Press, [2007] 2012), ch. 12.

8. Because the rate of interest is a reflection, in part, of individuals' time-preference or future-orientation, with high interest rates stemming from intense present-orientation, the requirement of the sabbatical year fostered greater future-orientation and therefore lower rates of interest.

> The LORD shall open unto thee his good treasure, the heaven to give the rain unto thy land in his season, and to bless all the work of thine hand: and thou shalt lend unto many nations, and thou shalt not borrow. And the LORD shall make thee the head, and not the tail; and thou shalt be above only, and thou shalt not be beneath; if that thou hearken unto the commandments of the LORD thy God, which I command thee this day, to observe and to do them (Deut. 28:12–13).

If a nation filled with future-oriented people who are willing to lend money at 5% per annum encounters a more present-oriented society filled with people who are willing to pay 10% to finance their consumption or production, the people living in the first society can easily become the lenders to people living in the second. It is necessary for the lenders to monitor the ability and willingness of the borrowers to pay back the loans, of course. For a safe commercial transaction to take place, the differential between the respective interest rates must not be the product of a high *risk premium*—fear of outright default—or the product of a *price inflation premium*: fear of disguised default through loss of purchasing power.

The extension of dominion by lending at interest is legitimate for both lender and borrower. There are always risks associated with dominion, however. Lending to present-oriented consumers may later become a curse for the lender: he trusts in his riches but forgets that he is becoming dependent on present-oriented debtors. But it may also be that the foreign debtors are not consumers, but merely intelligent producers in the other country. In this case, the lender helps future-oriented foreign producers to become more productive by supplying them with capital more cheaply than they can borrow it at home. Dominion is by covenant. Lending to the foreigner at interest brings him indirectly under the sanctions of God, but these sanctions can be either blessing or cursing.[9] So, it is always a question of intent on the part of both lender and borrower. What is the goal of the

9. The possibility of blessing eludes utopian author S. C. Mooney, who refused to comment on Deuteronomy 28:12–13, since it clearly says that it is legitimate to make loans at interest. He insisted that "Usury enslaves. The brethren are not to be enslaved." S. C. Mooney, *Usury: Destroyer of Nations* (Warsaw, Ohio: Theopolis, 1988), p. 98. On the contrary, usury does not always enslave. Becoming a debtor for productive reasons—to go to college, for example, which Mr. Mooney never did—or to start a business, can be liberating. It depends on what the borrower intends to do with the money. Like fire, debt is risky. The older you get, the less you should rely on it. But young men and citizens in pagan nations that are trying to advance themselves economically can legitimately go into debt for productive purposes. Debt is no more of a curse than personal apprenticeship with a master is—a form of personal and professional discipline that Mr. Mooney would have been wise to consider before he wrote his book.

lender, passive escapism or active expansion of his capital? To what purposes will the borrowed money be put, productive or unproductive? The raw numbers do not tell us these things.

D. Gleaning and Liberation

1. Morally Obligatory Charity

"But the seventh year thou shalt let it rest and lie still; that the poor of thy people may eat: and what they leave the beasts of the field shall eat." This verse makes it clear that the poor were allowed to enter the field and glean whatever grain has come up of its own accord. The same rule applied to the vineyards. This was an extension of the rule prohibiting the owner of the land to reap every nook and cranny of his fields. He had to allow poor people to enter his fields and glean the corners—the areas more difficult to harvest (Lev. 19:9–10). The Bible specifically identifies the poor who were to be invited in: the stranger, the orphan, and the widow (Deut. 24:21). Why was the landowner told to do this? Predictably, it was because of Israel's years in Egypt: "And thou shalt remember that thou wast a bondman in the land of Egypt: therefore I command thee to do this thing" (Deut. 24:22).[10]

Was this a form of government-required public welfare? No. There are no negative sanctions mentioned, and it is difficult to imagine how anyone who felt abused could have sued for damages. Where there are no civil sanctions, there can be no crime. None is listed, and it is difficult to imagine the basis by which appropriate sanctions could be devised by the civil judges. *Lex talionis*? Would he be kept from gleaning for a year? By double restitution? Double what? How much could the potential gleaner have gleaned from the field? How many local potential gleaners could sue? All of them? Does each of them have a lawful claim against the landowner, no matter how small his fields?

God instructed farm owners to allow poor people to glean. The land was His (Lev. 25:23); the whole earth is His (Ex. 19:5; Ps. 24:1[11]). As the permanent owner, God could tell his stewards how to administer His property. But God was the disciplining agent. He acted as Kinsman-Redeemer or as Blood Avenger, depending on the obedience or disobedience of the landowner. This law is in the form of a

10. The gleaning law was annulled by Jesus' fulfillment of the Jubilee land laws.

11. Gary North, *Confidence and Dominion: An Economic Commentary on Psalms* (Dallas, Georgia: Point Five Press, 2012), ch. 5.

positive injunction, and biblical civil law is negative in scope: forbidding public evil.

This form of morally compulsory charity on the owner's part involved hard work on the part of the recipients. They were be allowed to glean the corners and difficult places only after the "easy pickings" have been gleaned by the hired harvesters. They were invited into the open fields only in the sabbatical year in which there had been no previous season's planting. They had to earn every bit of the produce they collected. This was not a chosen profession for sluggards. But for those who were willing to work, they would not perish at the hands of men who systematically used their competitive advantage to create a permanent class of the poor.

There was another great advantage to this form of morally enforced charity: it brought hard-working, efficient poor people to the attention of potential employers. There is always a market for hard-working, efficient, diligent workers. Such abilities are the product of a righteous worldview and a healthy body, both of which are gifts of God. It always pays employers to locate such people and hire them. In effect, the employers can "glean" future workers. Gleaning appears initially to have been a high-risk system of recruiting, for it required landowners to forfeit the corners of their fields and one year's productivity in seven. Nevertheless, God promised to bless those who obeyed Him. It really was not a high-risk system. Israel's gleaning system made the charity local, work-oriented, and a source of profitable information regarding potential employees. Thus, the system offered hope to those trapped in poverty. They could escape this burden through demonstrated productivity. This was how Ruth, a stranger in the land, began her escape: she caught the attention of Boaz (Ruth 2:5).

2. We Are All Gleaners

Because each person is in bondage to sin, God has made gleaners of everyone. He cursed the ground, making it bring forth thorns and thistles. This in effect has placed us all in the position of people who are not entitled to the best of the field. God removed the "easy pickings" from mankind as a result of mankind's rebellion. But at least he did not destroy the field (the world). He promises not to interfere directly with it until the final judgment (Matt. 13:29–30, 49).[12] We must work harder than before the curse, but God graciously grants us access to the field. Those who are content with second-best are

12. North, *Priorities and Dominion*, ch. 29.

given an opportunity to escape their economic bondage through faith in the great Gleaner, Jesus Christ, who served God faithfully unto death, buying our way out of spiritual bondage. God observes us, to see who is efficient and who is a sluggard. He uses history as a giant gleaning operation for recruiting servants for eternity. Those who do not demonstrate faithfulness under adversity are not given access to the fields of the post-judgment world, but instead are cast out into the fire.

In a very real sense, biblical evangelism prior to the great millennial outpouring of the Holy Spirit is a form of gleaning. We seem to reap small harvests. We get the spiritual leftovers, after the local tyrants, the humanist school system, the cults, and the drug dealers have passed through the field and have picked off "the best and the brightest." Successes on the missions field are minor. The biological reproduction of God's enemies is now becoming exponential. We have few reliable models to imitate. Evangelism seems futile. But to be a gleaner always tempts us to accept second-best as a way of life. The gleaner may not recognize or appreciate his God-given opportunity. He may not see that he is being called into the Master's field in order to demonstrate his competence in the face of adversity. He may view his plight as something undeserved, not recognizing that after Adam, all that any man deserves is death and eternal wrath. He does not recognize the *stripped field* as a *garden of opportunity*. He imagines that all he can hope for is a sack of leftover grain. His time horizon is too short. His future-orientation suffers from a lack of vision, and also a lack of faith in God's grace. He forgets how few and far between faithful workers are, and how the opportunity to glean the leftover harvest is a God-given way to demonstrate his character as a man with a future precisely because he has confidence in the future.

3. Eschatologies of the Stripped Field

Because the church has seen so few examples of successful evangelism, and because even the successful examples seem to fall back into paganism within a few centuries, Christians have come to adopt eschatologies that deny liberation for gleaners. They see themselves and their spiritual colleagues as people who are locked in a vicious "cycle of poverty," to borrow the language of paganism's modern welfare economics. They see no hope beyond the stripped field. Life only offers minimal opportunities for harvesting souls, they believe. "What we have today as gleaners is all that we or our heirs can expect

in history." They lose faith in the ability of the heavenly Observer to identify and hire good workers and to place them in new positions of responsibility. So, Christians have invented eschatologies that conform to their rejection of any vision of temporal liberation—*eschatologies of the stripped field*. Men with battered spirits preach that nothing Christians can do as spiritual gleaners will ever fill the sacks to overflowing. They see no covenantal cause-and-effect relationship between gleaning and liberation. They preach a new gospel of the kingdom—*the kingdom of perpetual leftovers*. They do not recognize that there is a valid historical function of gleaning: the public identification of those bondservants who actively seek liberation and who pursue every legitimate avenue of escape.

E. New Testament Applications

In Israel, the sabbatical year of release was national and simultaneous. It was a negative injunction, and therefore a civil law, for it forbade something that was a positive evil: working the land without a break. We know what an appropriate penalty might have been: double restitution of that year's harvest, with the produce going to the priests as a payment to God. To pay that, the owner would probably have had to sell himself into slavery: a symbol of the transition from grace to wrath, a symbolic return to Egypt.

Today, there is no common year of release, nationally or internationally. The reason for this lack of a common year of release is because the enforcement of the New Testament sabbath has been decentralized. God now assigns to individuals the responsibility of deciding how to observe the sabbath. This decentralization of the locus of enforcement has led to the abolition of a common sabbatical year in which all fields are required to lie fallow in the same year, and charitable debts are cancelled in that same year (Deut. 15:1–6).[13]

If this land-protecting aspect of the law was enforced by the state, as I believe it was, it rested on the legal status of the land as God's judicial agent, not on the state as an agency of wealth redistribution to the gleaners. This law is no longer in force in the New Testament era because the land ceased to be a covenantal agent after A.D. 70 (Lev. 18:24–29).[14] This law was good for the land and all the creatures

13. Gary North, *Inheritance and Dominion: An Economic Commentary on Deuteronomy*, 2nd ed. (Dallas, Georgia: Point Five Press, [1999] 2012), ch. 36.

14. Gary North, *Boundaries and Dominion: An Economic Commentary on Leviticus*, 2nd ed. (Dallas, Georgia: Point Five Press, [1994] 2012), ch. 10.

great and small that inhabited it. Owners were restrained in their use of God's land. The land, as God's judicial agent, deserved its rest. This law man

This is not to become a matter of civil law. It is no longer the state's responsibility to enforce sabbath requirements. Owners can do what they please, but God watches closely. Those who own land that is leased to others can certainly require the lease-holders to abide by a fallow-rotation system, so that the land's productivity can be preserved.

This is similar to the injunction that all zero-interest charitable debts be cancelled every seventh year. The state is not to enforce such a requirement. Instead, the state should simply refuse to enforce any charitable debt contract beyond the seventh year. If creditors can collect what is owed to them by poor debtors without resorting to violence, that is their business, but the coercive authority of the state will not be used to enforce a contract that clearly violates the terms of the covenant. The state should no more enforce a morally mandatory charitable debt obligation beyond the seventh year than it should enforce any other kind of inherently immoral contract. There are limits to the legitimacy of voluntary contracts.

We should understand that the gleaning requirement from the beginning applied only to agricultural operations. It was not extended to the cities in the Old Testament, and it should not be extended beyond agriculture today. To the extent that the modern world has become urban, the year of release applies far more to society's debt structure than to its agriculture. Debt slavery is far more common today than agricultural slavery. Today, it is the farmer who has sold himself into bondage in his lust for more land and more comfortable tractors. He has collateralized the present value of his land, and he has prayed for the future value of his land's produce. The process of urbanization continues.

Conclusion

The stranger in the land was to be the beneficiary of the civil laws of Israel. This was to serve as a testimony to the nations. It was not only those who were born in the land who could experience the external blessings of God.

The land was to be given its rest every seventh year. The gleaners and the animals were not restricted from the unsown fields. Whatever output of value that the land produced in these years became the

lawful possession of the propertyless poor who worked to claim it. Land-owners rested, while the poor labored.

The sabbath was instituted in order to teach men about the necessity of relying on God to sustain them. Honoring the sabbath revealed to men that God sustains those who obey Him, no matter how improbable that might seem. It also taught people habits of thrift, future-orientation, and diligence. People had to get their work done in six days, not seven; they had to store up necessities out of the excess output of the days of lawful labor. This enforced system of sabbath discipline was intended to reshape the slave mentality of covenant-breakers.

What God taught them first with the miracle of the manna, He later taught their heirs with the weekly sabbath, then the sabbatical year, and finally with the year of Jubilee (Lev. 25). Because the people of Judah did not honor the law of the sabbatical year, God threatened to drive them into captivity for seventy years, that the land might obtain its lawful rest (Jer. 50:34). They did not repent; Judah then fell to Babylon. "To fulfil the word of the LORD by the mouth of Jeremiah, until the land had enjoyed her sabbaths: for as long as she lay desolate she kept sabbath, to fulfil threescore and ten years" (II Chron. 36:21).

God enforced His law when men refused to.

54

FEASTS AND CITIZENSHIP

Three times thou shalt keep a feast unto me in the year. Thou shalt keep the feast of unleavened bread: (thou shalt eat unleavened bread seven days, as I commanded thee, in the time appointed of the month Abib; for in it thou camest out from Egypt: and none shall appear before me empty:) And the feast of harvest, the firstfruits of thy labours, which thou hast sown in the field: and the feast of ingathering, which is in the end of the year, when thou hast gathered in thy labours out of the field. Three times in the year all thy males shall appear before the Lord GOD. *Thou shalt not offer the blood of my sacrifice with leavened bread; neither shall the fat of my sacrifice remain until the morning. The first of the firstfruits of thy land thou shalt bring into the house of the* LORD *thy God. Thou shalt not seethe a kid in his mother's milk.*

EXODUS 23:14–19

God was the King who owned the Promised Land and who invited His people to join in corporate celebrations with Him. Those who harvested His crops were His judicial subordinates, and they publicly testified to this by their participation in His required feasts. They were to provide God with the firstfruits of the land. Those who refused to attend the required feasts of God are in open rebellion against Him, for they were declaring publicly that they are not under His jurisdiction and that they owed him no firstfruits.

A. God's Sharecroppers

A sharecropping farmer does not own his own land. He may not even own his own tools. The owner provides these capital assets to the worker, who then agrees to share a fixed percentage of the crop with the owner.

The owner gains several advantages through this arrangement.

He does not have to supervise the workers on a day-to-day basis.[1] The owner can therefore concentrate his attention on more economically profitable tasks, such as marketing the crop. Second, the owner teaches his subordinate independence, which should increase the latter's total productivity. Third, the owner provides incentives for the worker to maximize his output. The lower the percentage demanded by the owner, the greater the economic incentive of the worker to maximize his output, since the latter keeps the lion's share of the product.

God required a tithe. He also required the feasts of the Old Covenant era. This brought His workers before him on a regular basis. They had to sacrifice time, energy, and money to journey to Jerusalem and eat the required feasts. They had to bring the token firstfruits as a ritual testimony to their faith in God as the true owner of their land: "The first of the firstfruits of thy land thou shalt bring into the house of the LORD thy God" (Ex. 23:19a).

B. The Festivals and Civic Judgment

The feasts reminded them three times a year that the King of heaven requested their presence before Him. It reminded them who owned the land. Yet it was also an honor to attend. It also reminded them that the Creator and Sustainer of the universe protected them. He promised to protect the wives, children, and land during their absence. "Thrice in the year shall all your menchildren appear before the Lord GOD, the God of Israel. For I will cast out the nations before thee, and enlarge thy borders: neither shall any man desire thy land, when thou shalt go up to appear before the LORD thy God thrice in the year" (Ex. 34:23–24).

This passage appears at the end of a longer passage dealing with oppression. Men are warned not to raise a false report or render false judgment (Ex. 23:1–3).[2] They are warned to return a lost animal to its owner, as well as help an enemy's fallen beast of burden (Ex. 23:4–5).[3] Men are again reminded not to render false judgment or testify falsely

1. This was the problem with the American South's slave system prior to its abolition in 1865 after the defeat of the South in the Civil War. On the economic rationality of sharecropping in the post-Civil War American South, see Roger L. Ransom and Richard Sutch, *One Kind of Freedom: The economic consequences of emancipation* (New York: Cambridge University Press, 1977).

2. Chapter 50.

3. Chapter 51.

(Ex. 23:6–7). They must not take bribes (Ex. 23:8).[4] They must not oppress a stranger (Ex. 23:9).[5] They must honor the sabbatical year and rest the land: no harvesting in the seventh year (Ex. 23:10–11).[6] They must honor the weekly sabbath: no working (Ex. 23:12).[7] They must not mention any other God (Ex. 23:13). Then they are given the requirement of attending the three annual feasts.

Why bring up the requirements associated with the feasts in a section of the law that deals with civil judgment and economic oppression? Does participation in the feasts have some connection to the rendering of civil judgment? It does. *A circumcised male in Israel who failed to attend the required sacramental feasts lost his inheritance in the land and therefore also lost his citizenship*. He lost his eligibility to become a civil magistrate in Israel. This chain of judicial events is not immediately apparent from the text in Exodus 23, which is why this chapter is a detailed exposition of implications based on other texts, especially New Testament texts regarding Israel's loss of the kingdom through covenantal rebellion.

C. An Open Invitation to Israel's Closed Feasts

There were three required annual feasts in ancient Israel. This law applied to the circumcised members of the congregation, i.e., the civil nation.[8] The feasts were open to all those in Israel who were circumcised, including converts from foreign nations and household slaves. The model feast was the Passover:

> And the LORD said unto Moses and Aaron, This is the ordinance of the passover: There shall no stranger eat thereof: But every man's servant that is bought for money, when thou hast circumcised him, then shall he eat thereof. A foreigner and an hired servant shall not eat thereof. In one house shall it be eaten; thou shalt not carry forth ought of the flesh abroad out of the house; neither shall ye break a bone thereof. All the congregation of Israel shall keep it. And when a stranger shall sojourn with thee, and will keep the passover to the LORD, let all his males be circumcised, and then let him come near and keep it; and he shall be as one that is born

4. Chapter 52.
5. Chapter 53:B.
6. Chapter 53:C.
7. Chapter 53:C.
8. Rushdoony wrote: "*Congregation* has reference to the whole nation in its governmental function as God's covenant people. G. Ernest Wright defined it as 'the whole organized commonwealth as it assembled officially for various purposes, particularly worship.'" R. J. Rushdoony, *The Institutes of Biblical Law* (Nutley, New Jersey: Craig Press, 1973), p. 85. Wright's statement appears in *The Interpreter's Bible*, II, p. 468.

> in the land: for no uncircumcised person shall eat thereof. One law shall be to him that is homeborn, and unto the stranger that sojourneth among you (Ex. 12:43–49).

The Passover was originally a household feast that was actually celebrated in the home. This is why hired servants were not allowed to participate. They would have to return to their own households in order to celebrate the feast. They were hired by money, and therefore not under the protection of the hiring family's covenant. The covenant was established by physical birth and circumcision, not by an economic contract. A stranger who was circumcised could participate in Passover, but only if all those under his household jurisdiction were also circumcised. The *mark of covenantal subordination* had to be on the flesh of every male participant, and it had to be on all those males under his family jurisdiction. (Moses' failure to circumcise his son was what brought God against Moses just before he re-entered Egypt [Ex. 4:24–26].)[9]

1. Sacrificial Offerings

After the Israelites arrived in the promised land, God made certain changes in the Passover ritual. Families were henceforth required to journey to a central location to celebrate the Passover: "Thou shalt therefore sacrifice the passover unto the LORD thy God, of the flock and the herd, in the place which the LORD shall choose to place his name there" (Deut. 16:2). The text makes it plain that the celebration was corporate, and it was not to be in a man's home town: "Thou mayest not sacrifice the passover within any of thy gates, which the LORD thy God giveth thee: But at the place which the LORD thy God shall choose to place his name in, there thou shalt sacrifice the passover at even, at the going down of the sun, at the season that thou camest forth out of Egypt" (Deut. 16:5–6). While the passage in Exodus 23 indicates that only the circumcised males were required to come to the various feasts, in fact the whole family was required to come to the place where the tabernacle was, and later on, where the temple was. The Exodus passage speaks representatively, but the parallel passage in Deuteronomy 16 is more specific:

> Thou shalt observe the feast of tabernacles seven days, after that thou hast gathered in thy corn and thy wine: And thou shalt rejoice in thy feast, thou, and thy son, and thy daughter, and thy manservant, and thy maid-

9. Gary North, "The Marriage Supper of the Lamb," *Christianity and Civilization*, 4 (1985), pp. 209–26.

> servant, and the Levite, the stranger, and the fatherless, and the widow, that are within thy gates. Seven days shalt thou keep a solemn feast unto the LORD thy God in the place which the LORD shall choose: because the LORD thy God shall bless thee in all thine increase, and in all the works of thine hands, therefore thou shalt surely rejoice. Three times in a year shall all thy males appear before the LORD thy God in the place which he shall choose; in the feast of unleavened bread, and in the feast of weeks, and in the feast of tabernacles: and they shall not appear before the LORD empty: Every man shall give as he is able, according to the blessing of the LORD thy God which he hath given thee (Deut. 16:13–17).

The men were to appear together at a corporate ritual at some point during each of these three feasts. They were to appear in their official covenantal capacity as judges of their households. Wives and children came to the city, but there must have been a separate ritual "before the Lord" at which only men were in attendance. It was there that the priests or Levites offered the families' sacrifices, which were required offerings: "they shall not appear before the LORD empty." In their capacity as *household priests*, the men were required to bring a sacrificial offering before God. Fathers no longer killed the sacrificial animals and ate them with their families in their own homes, as they had at the first Passover. The priests or priestly aides killed the animals for them representatively. Presumably each father took his portion of the sacrifice and returned to his family to eat it before the night was over: "neither shall the fat of my sacrifice remain until the morning."

It was during the feast of tabernacles that a week-long total of 70 bulls was sacrificed for the 70 nations, plus one for Israel: 13 + 12 + 11 + 10 + 9 + 8 + 7 + 1 = 71 (Num. 29:13–36). Israel sacrificed bulls representatively for the nations.[10] Because these sacrifices were priestly and therefore mediatorial, only circumcised males could lawfully participate in the actual ritual. God is only represented by males in the sacrifices, which is the reason why women cannot lawfully be ordained to church offices (I Cor. 14:34–35).

2. Every Man a Priest

The Protestant doctrine of "every man a priest" was equally in force in Old Covenant Israel: "Now therefore, if ye will obey my voice indeed, and keep my covenant, then ye shall be a peculiar trea-

10. James B. Jordan, *The Sociology of the Church: Essays in Reconstruction* (Tyler, Texas: Geneva Ministries, 1986), pp. 101–2. This was what I would call a "common grace" sacrifice. It accomplished ritually what Jesus's death on the cross fulfilled: a covering for the nations of the earth that allowed them to survive temporally.

sure unto me above all people: for all the earth is mine: And ye shall be unto me a kingdom of priests, and an holy nation. These are the words which thou shalt speak unto the children of Israel" (Ex. 19:5–6). *God's covenant, ownership, kingdom, and priesthood*: all are linked together here. The hierarchical subordination of each man under God—a subordination marked physically by circumcision—entitled any man to serve as the priest of his own household. This was why the stranger who wanted to participate in Passover had to have all the males in his household circumcised. "And when a stranger shall sojourn with thee, and will keep the passover to the LORD, let all his males be circumcised, and then let him come near and keep it; and he shall be as one that is born in the land: for no uncircumcised person shall eat thereof" (Ex. 12:48). He had to be marked as a priestly representative of God within his own home. He had to be a member of a judicially marked covenantal hierarchy.

D. Israel as a Sanctuary

This *family priestly office*, hierarchical in structure, opened the door to another office, that of *civil magistrate*. To be a citizen in Israel, a man first had to be under the jurisdiction of a family covenant,[11] either by physical birth into his own family or by adoption (including a woman's marriage)[12] into a Hebrew family.[13] This family-based order of governmental authority and office helps to explain an otherwise difficult exegetical problem. Immediately following the passage in Deuteronomy that deals with the feast of the tabernacles we read: "Judges and officers shalt thou make thee in all thy gates, which the LORD thy God giveth thee, throughout thy tribes: and they shall judge the people with just judgment. Thou shalt not wrest judgment; thou shalt not respect persons, neither take a gift: for a gift doth blind the eyes of the wise, and pervert the words of the righteous. That which is altogether just shalt thou follow, that thou mayest live, and inherit the land which the LORD thy God giveth thee" (Deut. 16:18–20).

Here we find once again that *the laws of the festivals are closely associated with the laws of civil justice*. The civil judge is warned not to accept a bribe. He shall not render false or perverted judgments. The con-

11. Just as a church officer must first serve as the head of his household (I Tim. 3:2, 4).
12. For example, Rahab and Ruth.
13. Adoptions into Hebrew households took place on a widespread basis during the first century of Israel's stay in Egypt, which is why their population was growing so rapidly by Moses's day. See Chapter 1.

text is a court of law. The promise is that those who render righteous judgments will live and inherit the land. All three are tied together: required attendance at the festivals, rendering honest civic judgment, and inheriting family-owned land.

1. Sanctuary: Equality Before the Law

Any man who was willing to subordinate himself to God by living in the land of Israel as a stranger was entitled to the benefits of the God's Bible-revealed civil law, including its protection. He had access to civil justice by his very presence in God's geographical sanctuary, the land of Israel.

This sanctuary was man's sanctuary. *The land of Israel was every resident's boundary of judicial protection from the civil laws of false gods*. The promise of equality before the civil law was the judicial sanctuary offered by God to all those who would voluntarily remain within the geographical boundaries of those nations that formally covenanted with Him. This sanctuary status of a biblically covenanted nation was therefore geographical rather than ritualistic.

Biblical law is quite clear: there is to be one civil law-order governing all people, because everyone is under the jurisdiction of God, who rules by covenant. God holds men and nations accountable for their obedience to His laws. Even though not all men are willing ritually to admit their subordination to God as creatures, all are to be governed by the requirements of the same civil law-order that God established as His representative model in Israel (Deut. 4:4–5).[14] This is God's wisdom for all mankind. Wisdom cannot legitimately be observed by autonomous man on a "take it or leave it basis"; covenantal religion is not smorgasbord religion, picking and choosing in terms of what sounds good to unregenerate minds. Wisdom must be *obeyed*. Wisdom is part of God's national covenant: "Keep therefore and do them; for this is your wisdom and your understanding in the sight of the nations, which shall hear all these statutes, and say, Surely this

14. Some may deny that this was true in the era of the Old Covenant, although they must contend with Greg L. Bahnsen in this regard: Greg L. Bahnsen, *By This Standard: The Authority of God's Law Today* (Tyler, Texas: Institute for Christian Economics, 1985)), ch. 24. But Christians cannot escape the judicial and civil implications of Matthew 21:43: "Therefore say I unto you, The kingdom of God shall be taken from you, and given to a nation bringing forth the fruits thereof." When God transferred His kingdom to the church, an international covenantal institution, he brought all nations under the covenantal obligations of his law, including civil law. Gary North, *Healer of the Nations: Biblical Blueprints for International Relations* (Ft. Worth, Texas: Dominion Press, 1987), ch. 2.

great nation is a wise and understanding people" (Deut. 4:6).[15] Because pagan nations in the Old Covenant era did not acknowledge their judicial obligations in this regard, God created a geographical sanctuary in Israel for men to flee to when they decided to place themselves under the civil covenant of God.

2. Judicial Distinctions

The question then arises: What was the judicial distinction between an uncircumcised resident and a circumcised resident? One distinction was inheritance: rural land reverted back to the original owner's family in the 50th year (Lev. 25:13). But this law did not govern property within walled cities or towns (Lev. 25:31). Does this mean that in walled cities, there was no judicial distinction between Jew and gentile? There must have been some sort of distinction, or else the gentiles could have captured the cities of Israel, *including Je-*

15. In their critique of theonomic postmillennialism, dispensationalists H. Wayne House and Thomas D. Ice argued that the Mosaic Law is not binding today and was never binding on the ancient pagan world, yet the Mosaic Law offers wisdom. "Wisdom differs from law in that law provides the legal stipulations which regulate the covenantal agreement and can be enforced by civil penalties.... On the other hand, wisdom is advice with no legal penalties." House and Ice, *Dominion Theology: Blessing or Curse?* (Portland, Oregon: Multnomah, 1988), p. 186. They argued for wisdom apart from any covenant law or covenant sanctions. Therefore, one has to conclude, outside the narrow geographical confines of ancient Israel, God's Ten Commandments become the Ten Suggestions. The wisdom of Proverbs becomes a lot of wise sayings. But Solomon was a king whose fame spread because of his ability to impose *wise sanctions*. After the incident of the two prostitutes and the baby, we read: "And all Israel heard of the judgment which the king had judged; and they feared the king: for they saw that the wisdom of God was in him, to do judgment" (I Kings 3:28). They were saying that because of the resurrection of Jesus Christ, who suffered the ultimate sanctions, there are no further biblically required covenant sanctions in history (except execution for murder, a Noahic covenant sanction: p. 130) until His second coming. Autonomous man therefore gets to make up his own civil laws as he goes along. If you suspect that this view of civil law without specific biblical sanctions can easily become a license to sin, personally and nationally, and also a license to commit statist tyranny, you have correctly grasped their argument: *no biblical sanctions—no biblical crimes*. They wrote: "There is a big difference between law and wisdom, though often the net effect will be the same since the regenerate believer will want to apply the wisdom of God's law" (p. 187). Why should the net effects ever be the same? There are no civil sanctions attached to their view of wisdom. When incentives are different, people's responses will be different. By invoking an undefined wisdom devoid of civil sanctions, they are trying to avoid the appearance of social antinomianism. This is one last attempt to save dispensational ethics from the acids of antinomianism and ethical dualism—an attempt that clearly comes a century too late. On the morally and theologically devastating antinomianism of modern dispensationalism, see the book by dispensationalist theologian and pastor John MacArthur, *The Gospel According to Jesus* (Grand Rapids, Michigan: Zondervan Academie, 1988).

rusalem, simply by moving into them, buying up the property, and taking over each city's civil government. The strangers within the gates could thereby have inherited the land.

It was in fact legally possible for strangers in the gates to buy up houses and buildings inside the gates, but this did not make them citizens. Nor would the post-exilic revised terms of land ownership that God instructed Ezekiel to announce to Israel make citizens of strangers in the land: "And it shall come to pass, that ye shall divide it by lot for an inheritance unto you, and to the strangers that sojourn among you, which shall beget children among you: and they shall be unto you as born in the country among the children of Israel; they shall have inheritance with you among the tribes of Israel. And it shall come to pass, that in what tribe the stranger sojourneth, there shall ye give him his inheritance, saith the Lord GOD" (Ezek. 47:22–23).[16] Citizenship in the biblical commonwealth of Israel was not by property ownership as such. Citizenship was by covenant. Citizenship was by *circumcision and feast*, by covenant mark and covenant renewal.

There was a judicial distinction between circumcised and uncircumcised residents. This distinction was explicitly not a difference in the God-required application of the civil law to different people (Ex. 12:49). This distinction must therefore be found elsewhere than in some supposed inequality before the law. There is to be no inequality before God's civil law.[17] Thus, the difference had to have been in the very definition of citizenship, meaning *the exercise of civil rulership*. Citizenship was closely tied to one's participation in the three required annual feasts in Jerusalem. As was the case in the ancient world generally, *if a man could not legally participate in the religious rites of the city, he could not become a citizen*.[18] What made Israel different was the widespread use of adoption, which mirrored God's gracious adoption of Israel (Ezek. 16:3–7). Paul connected God's adoption and God's covenant with Israel when he spoke of his kinsmen according to the flesh, "Who are Israelites; to whom pertaineth the adoption, and the glory, and the covenants, and the giving of the law, and the service of God, and the promises" (Rom. 9:4). Thus, unless a resident was a bastard, Moabite, an Ammonite, an Edomite, or an Egyptian (Deut.

16. Gary North, *Restoration and Dominion: An Economic Commentary on the Prophets* (Dallas, Georgia: Five Point Press, 2012), ch. 22.

17. Chapter 14.

18. Numa Denis Fustel de Coulanges, *The Ancient City: A Study on the Religion, Laws, and Institutions of Greece and Rome* (Garden City, New York: Doubleday Anchor, [1864] 1955), Bk. III.

23:2–8), he had to be granted immediate access to the feasts: "And if a stranger shall sojourn among you, and will keep the passover unto the LORD; according to the ordinance of the passover, and according to the manner thereof, so shall he do: ye shall have one ordinance, both for the stranger, and for him that was born in the land" (Num. 9:14).

E. Feasts and Sanctions

The uncircumcised resident male and his household did not gain access to God's sanctuary, the temple. To gain this priestly access, he was required first to accept a visible mark in his flesh, as were all the males under his family jurisdiction. He had to accept God's "brand" on him, God's sign of adoption. *God owns all men, and circumcision was a man's acknowledgment of God's lawful claim on him*. A man carried this servile mark in his flesh, and he was reminded daily of his judicial condition as a servant to God. For as long as he lived, he bore this mark of judicial subordination.

1. Subordination and Festivals

A circumcised man declared ritually and physically that he was under God's judicial authority; only then was he given access to the three annual feasts. These feasts were held in a central location. Attendance was mandatory for all circumcised men who were residents of the land.[19] A resident male who refused to attend the feasts of the King of heaven came under the king's condemnation. One did not lawfully turn down the King's invitation. This was the message of Jesus' parable of the king's feast.

> The kingdom of heaven is like unto a certain king, which made a marriage for his son, And sent forth his servants to call them that were bidden to the wedding: and they would not come. Again, he sent forth other servants, saying, Tell them which are bidden, Behold, I have prepared my dinner: my oxen and my fatlings are killed, and all things are ready: come unto the marriage. But they made light of it, and went their ways, one to his farm, another to his merchandise: And the remnant took his servants, and entreated them spitefully, and slew them. But when the king heard thereof, he was wroth: and he sent forth his armies, and destroyed those murderers, and burned up their city. Then saith he to his servants, The wedding is ready, but they which were bidden were not worthy. Go ye therefore into the highways, and as many as ye shall find, bid to the marriage. So those

19. Men could go on journeys and escape this obligation. Passover could be celebrated late by those who had been on long journeys (Num. 9:10–11).

> servants went out into the highways, and gathered together all as many as they found, both bad and good: and the wedding was furnished with guests. And when the king came in to see the guests, he saw there a man which had not on a wedding garment: And he saith unto him, Friend, how camest thou in hither not having a wedding garment? And he was speechless. Then said the king to the servants, Bind him hand and foot, and take him away, and cast him into outer darkness; there shall be weeping and gnashing of teeth. For many are called, but few are chosen (Matt 22:2–14).

There is no doubt that Jesus was referring here to Israel. The Pharisees understood His accusation. "Then went the Pharisees, and took counsel how they might entangle him in his talk" (Matt. 22:15).

There were two crimes associated with the festivals of the kingdom: (1) refusing to come when invited and (2) refusing to bear the appropriate mark of subordination: in Israel, circumcision; in the parable, a wedding garment.[20] It is an honor to be invited and a curse to refuse to come. It is an honor to attend, but only those who have subordinated themselves publicly to the heavenly King should dare to enter His presence.

The annual festivals of Israel were mandatory for those males who were under God's ecclesiastical jurisdiction. These were members of the congregation. The question then arises: If it was required that every circumcised male attend the feasts, what were the sanctions for non-attendance? Who imposed them?

2. What Kind of Negative Sanctions?

I have argued throughout this book that biblical civil law does not set forth positive injunctions to do good. It only enforces laws against publicly evil acts, as defined by God's Bible-revealed law. This law of the compulsory feasts initially appears to be an exception to this rule. It is not an exception. Because no negative sanction is mentioned in the various texts dealing with the required festivals, we should initially conclude that this was not a civil law. Only if we can derive appropriate civil sanctions by examining the nature of the crime should we conclude that this was a civil law. I can see no appropriate sanctions. There was no earthly victim of a crime who could bring charges. There seems to be no appropriate fine to be distributed to some future victim of an unknown criminal. Whipping seems inappropriate, since the crime is not a positive assault on public morality.

It seems a likely inference that the appropriate negative sanction

20. This is clearly symbolic of baptism.

was *excommunication from the priestly congregation*. By failing to attend the required feasts, the man had placed himself in the camp of the uncircumcised strangers. He would have been kept from attending future ritual feasts. He would have been barred from attendance at local worship conducted by the priests. If he was an Israelite with an inheritance in the land, he would also have forfeited this inheritance, for he had renounced his family's ownership rights in Israel when he renounced God's ownership rights over Him and His family. Only if his sons or distant heirs later denied their father's rebellion and affirmed the family covenant under God when they became adults could they reclaim the forfeited inheritance. However, this re-covenanting procedure did give them the ability to reclaim what had been legally removed. This was God's promise to the future dispossessed sons of Israel whenever they were removed from the land:

> And ye shall perish among the heathen, and the land of your enemies shall eat you up. And they that are left of you shall pine away in their iniquity in your enemies' lands; and also in the iniquities of their fathers shall they pine away with them. If they shall confess their iniquity, and the iniquity of their fathers, with their trespass which they trespassed against me, and that also they have walked contrary unto me; And that I also have walked contrary unto them, and have brought them into the land of their enemies; if then their uncircumcised hearts be humbled, and they then accept of the punishment of their iniquity: Then will I remember my covenant with Jacob, and also my covenant with Isaac, and also my covenant with Abraham will I remember; and I will remember the land (Lev. 26:38–42).

A man who was outside God's holy army had no legal access to judicial office. This was another aspect of God's threat of imposing the physical sanction of removing them from their geographical sanctuary in the land. They would become slaves and strangers in a foreign land. Only through extraordinary faithfulness did certain Israelites become leaders in foreign lands, as Joseph had become in Egypt, as Daniel later became in Babylon and Medo-Persia, and as Esther became in Medo-Persia. Israelites would suffer by becoming subordinates to foreign gods whose spokesmen did not respect the principle of equality before the law. They would not again serve as judges in the land, declaring God's civil law, unless they repented.

To be an uncircumcised stranger in Israel was to be someone outside the congregation. Circumcision was a judicial act. It was a physical mark of covenantal subordination, not a magical mark of initiation. A man could make his circumcision null and void by rejecting

the terms of the covenant. Refusing to attend the feasts was such a rejection.

3. Family Sanctions

Inheritance was familistic in Old Covenant Israel.[21] The civil government was supposed to enforce the laws of inheritance, but the seat of family covenantal authority was in the father as the family priest. When a man died, his sons inherited. If he had no sons, his daughters inherited. If he had no daughters, his brothers inherited (Num. 27:8–10). "And if his father have no brethren, then ye shall give his inheritance unto his kinsman that is next to him of his family, and he shall possess it: and it shall be unto the children of Israel a statute of judgment, as the LORD commanded Moses" (Num. 27:11). The kinsman redeemer (*ga'al*), meaning the blood avenger (Deut. 19:6), inherited the property as his closest next of kin.

What about a man who had voluntarily abandoned the feasts? He had thereby publicly abandoned the covenant. This was a form of *covenantal death*.[22] Covenantally, it was as if the original owner had died. His heirs inherited. But because he had cut off all those who were under his immediate covenantal authority in his family, his brothers immediately inherited, unless his sons broke covenant with him. If he had no brothers, then his next of kin inherited. His brothers or his closest relatives could then go to the civil magistrate and compel the transfer of title to the land, which would presumably go into effect at the time of his physical death or the jubilee year, whichever came first.[23] This confiscation of the man's property was not the sovereign act of the civil government. It was not a negative civil sanction. It was a *family sanction* that was lawfully enforced by the civil government. The terms of land ownership had been set by God before they conquered Canaan. As the ultimate Owner, God had the legal right to specify in advance the judicial terms of the leaseholds.

Similarly, the removal of the man's status as someone eligible to serve as a civil magistrate was not a negative civil sanction. It was

21. Chapter 25.

22. On covenantal death, see Ray R. Sutton, *Second Chance: Biblical Blueprints for Marriage and Divorce* (Ft. Worth, Texas: Dominion Press, 1987), chaps 2, 4.

23. He would have been given time to repent. Also, while civil law in Israel had to abide by the terms of ownership, the original terms did not specify that immediately upon the covenantal death of a man he would be eligible to be thrown off his land. The sanction had to do with lawful inheritance. Inheritance was governed by the inheritance laws of Numbers 27 and the jubilee laws of Leviticus 25.

simply a *public acknowledgment* by the civil government of the individual's change in legal status when he withdrew from the congregation by ceasing to attend the feasts. It was the removal of a covenant privilege open only to members of the congregation. The state merely confirmed what the former congregation member had publicly announced: he was no longer a citizen or judge in Israel.

4. Jesus and the Disinheritance of Israel

The kinsman-redeemer inherited because of the covenantal death of the covenant-breaker. This was the legal basis for Jesus Christ, the kinsman-redeemer and also the blood avenger of Israel, to inherit the kingdom and to pass this inheritance to those under His covenantal administration. Thus, Jesus prophesied to the Jews of His day: "Therefore say I unto you, The kingdom of God shall be taken from you, and given to a nation bringing forth the fruits thereof" (Matt. 21:43).

Israel had renounced the ethical terms of God's covenant, despite the fact that all the men bore the mark of covenantal subordination in their flesh. "Woe unto you, scribes and Pharisees, hypocrites! For ye pay tithe of mint and anise and cummin, and have omitted the weightier matters of the law, judgment, mercy, and faith: these ought ye to have done, and not to leave the other undone" (Matt. 23:23–24). The Jews crucified their kinsman-redeemer, Jesus Christ, who exercised the office of blood avenger after His resurrection. Jesus destroyed Jerusalem and the temple in 70 A.D., so that never again could they honor the feasts. The great tribulation came in 70 A.D.[24] The days of vengeance came in 70 A.D.[25]

Never again would the temple sacrifices in Jerusalem serve as a legal covering for the nations. This meant that the Hebrews would never again serve as judges in God's Holy Commonwealth. Once they had lost title to the land, they could be expelled. Once removed from the land of promise, they no longer lawfully imposed biblical law's civil sanctions, either on themselves or on the gentiles.

Talmudic law recognized their new legal status. When the Romans captured Jerusalem and burned the temple, the ancient official Sanhedrin court came to an end. The rabbis, under the leadership of Rabbi Johanan ben Zakkai, then took over many of the judicial func-

24. David Chilton, *The Great Tribulation* (Ft. Worth, Texas: Dominion Press, 1987).

25. David Chilton, *The Days of Vengeance: An Exposition of the Book of Revelation* (Ft. Worth: Dominion Press, 1987).

tions of the Sanhedrin.[26] They established as a principle that every Jewish court must have at least one judge who had been ordained by the laying on of hands (*semikah*), and who could in principle trace his ordination back to Moses. This laying on of hands could take place only in the Holy Land. Legal scholar George Horowitz commented: "A court not thus qualified had no jurisdiction to impose the punishments prescribed in the Torah."[27] After the Bar Kokhba revolt was defeated in 135, the Jews were scattered across the Roman Empire in the diaspora. "The Rabbis were compelled, therefore, in order to preserve the Torah and to maintain law and order, to enlarge the authority of Rabbinical tribunals. This they accomplished by emphasizing the distinction between Biblical penalties and Rabbinical penalties. Rabbinical courts after the second century had no authority to impose Biblical punishments since they lacked *semikah*-; but as regards penalties created by Rabbinical legislation, the Rabbis had of necessity, accordingly, a whole series of sanctions and penalties: excommunications, fines, physical punishment, use of the 'secular arm' in imitation of the Church, etc."[28] Thus, by the time of the writing of the Mishnah, which was Rabbi Judah the Prince's authoritative late-second-century compilation of rabbinical laws, Jewish courts had already abandoned any attempt to enforce the Old Testament sanctions.

5. Covenantal Restoration

But there is always a qualification to God's historical judgments, the same one open to the Hebrews who had been scattered before in Babylon (Lev. 26:38–42): the Jews can repent, affirm the terms of the covenant, be adopted by God into His church, and serve as judges again. In fact, they will surely repent, Paul promised in Romans 11. They will be restored to faith.

> I say then, Have they stumbled that they should fall? God forbid: but rather through their fall salvation is come unto the Gentiles, for to provoke them to jealousy. Now if the fall of them be the riches of the world, and the diminishing of them the riches of the Gentiles; how much more their fulness? For I speak to you Gentiles, inasmuch as I am the apostle of the Gentiles, I magnify mine office: If by any means I may provoke to emulation them which are my flesh, and might save some of them. For if the casting away of them be the reconciling of the world, what shall the

26. George Horowitz, *The Spirit of Jewish Law* (New York: Central Book Co., [1953] 1963), pp. 92–93.
27. *Ibid.*, p. 93.
28. *Idem.*

> receiving of them be, but life from the dead? For if the firstfruit be holy, the lump is also holy: and if the root be holy, so are the branches. And if some of the branches be broken off, and thou, being a wild olive tree, wert graffed in among them, and with them partakest of the root and fatness of the olive tree; Boast not against the branches. But if thou boast, thou bearest not the root, but the root thee. Thou wilt say then, The branches were broken off, that I might be graffed in. Well; because of unbelief they were broken off, and thou standest by faith. Be not highminded, but fear: For if God spared not the natural branches, take heed lest he also spare not thee. Behold therefore the goodness and severity of God: on them which fell, severity; but toward thee, goodness, if thou continue in his goodness: otherwise thou also shalt be cut off. And they also, if they abide not still in unbelief, shall be graffed in: for God is able to graff them in again. For if thou wert cut out of the olive tree which is wild by nature, and wert graffed contrary to nature into a good olive tree: how much more shall these, which be the natural branches, be graffed into their own olive tree? For I would not, brethren, that ye should be ignorant of this mystery, lest ye should be wise in your own conceits; that blindness in part is happened to Israel, until the fulness of the Gentiles be come in. And so all Israel shall be saved: as it is written, There shall come out of Sion the Deliverer, and shall turn away ungodliness from Jacob: For this is my covenant unto them, when I shall take away their sins (Rom. 11:11–27).

Next time, however, they will not have to settle for restoration of their ownership of tiny Israel. As members of the church, they will inherit the earth. "His soul shall dwell at ease; and his seed shall inherit the earth" (Ps. 25:13).

F. Citizenship by Birth Within the Covenant

On the eighth day, the Hebrew male child was to be circumcised (Lev. 12:3). This gave him the mark of citizenship. Birth gave him access to circumcision, and circumcision gave him citizen's rights. He could lose his citizenship by violating the terms of the covenant in specific ways, most notably by refusing to attend the required festivals. The feasts were ritual acts of covenant renewal,[29] and these acts of covenant renewal had definite political consequences.

In the New Testament, the mark of the covenant is also by birth, but only through personal profession of faith (self-acknowledged *new birth*) or by parental representation.[30] In both cases, the person so marked can lose his citizenship, and in the same way as in the Old

29. Ray R. Sutton, *That You May Prosper: Dominion By Covenant*, 2nd ed. (Tyler, Texas: Institute for Christian Economics, 1987), Appendix 8.

30. *Ibid.*, Appendix 9.

Covenant: by breaking God's laws, by failing to repent and make restitution, and by failing to attend the required feast of covenant renewal, the Lord's Supper.

1. The Office of Civil Magistrate

The law of the mandatory feasts did not impose negative *civil* sanctions against those who refused to attend the required feasts, but it did remove a civil privilege: the right to serve as a civil officer. Every civil government in New Testament times is supposed to respect the Bible's definition of what constitutes a true citizen in the eyes of God: *a person under the covenantal discipline of a Trinitarian church*. A citizen in a formally covenanted Christian political order, as in ancient Israel, should be a person who lawfully eats God's communion feast. If he refuses, he thereby removes himself from the jurisdiction of the church's court, either through resigning church membership or through excommunication. He thereby redefines himself as no longer being a citizen, but rather a stranger in the land. The state acknowledges his renouncing of his citizenship. This is not a negative sanction; it is a judicial response to the former citizen's voluntarily chosen new covenantal status, namely, that of public covenant-breaker.

Covenant-keepers were the only ones who were entitled to exercise judicial authority in the land of Israel. They could legally serve as judges or as electors of judges (Deut. 1:13; 16:18). How do we know this? Because all men were under the protection of biblical civil law. There was no distinguishing mark based on differing degrees of protection from the civil law; one's presence in the land was a sufficient mark entitling one to full legal protection (Ex. 12:49). Thus, *circumcision had to be a mark of judicial authority as well as a mark of judicial subordination*. It was a mark of covenantal subordination under God, and therefore a mark of one's authority to be eligible to serve as a judge. This is why Paul could write to the Corinthians: "Do ye not know that the saints shall judge the world? And if the world shall be judged by you, are ye unworthy to judge the smallest matters? Know ye not that we shall judge angels? how much more things that pertain to this life? If then ye have judgments of things pertaining to this life, set them to judge who are least esteemed in the church" (I Cor. 6:2–4).

2. Baptism and Civil Authority

Women were not required to go to all these three feasts each year. They also did not normally serve as judges, although Deborah did

(Jud. 4). Women were not to be kept away from these feasts, but they were not under judicial compulsion to attend. This is why the New Testament represents a major break with the Old Testament. *Females are baptized in the church; therefore, they are required to take communion*. Females (except infants) are not represented by a man—father or husband—in the required ritual feast.

As was the case in the Old Covenant, they are not allowed to become priests, for they cannot lawfully speak judicially in church. God presents Himself to humanity as a Husband, and thus He cannot be lawfully represented in His role as the priestly Lawgiver and sacrificial lamb by women. Women cannot lawfully declare God's law in formal church worship ceremonies (I Cor. 14:34–35). In this sense, women are analogous to all those attendees at the required feasts of Israel who were also not authorized to become priests.[31]

Covenanted women were (and still are) eligible to become civil judges in the holy commonwealth. They did and still can lawfully represent God in declaring His judgments in civil courts. In ancient Israel, women did not bear the mark of circumcision, but their fathers, brothers, husbands, and sons did. Women were circumcised representatively. Thus, they had lawful access to the feasts, though not as actual household priests.[32] They could lawfully serve as civil judges, although this was not common practice.[33] Deborah was breaking no civil law when she served as a prophetess and judge. "And Deborah, a prophetess, the wife of Lapidoth, she judged Israel at that time" (Jud. 4:4). She could not serve as a sacrifice-offering priest in her household, but she could serve as a public prophetess[34] and judge. She could declare God's law outside the sanctuary of the temple.

31. Women, male children under age 20 (Ex. 30:14), castrated males (Deut. 23:1), plus: circumcised Moabites, Ammonites, and heirs of bastards to the tenth generation (Deut. 23:2–3), and circumcised Edomites and Egyptians to the third generation (Deut. 23:7–8).

32. It might be argued that a widow with no brothers and no adult son would have been allowed to participate in the required feasts as a recipient of the family's burned sacrifice. She was clearly the head of her household, and the priestly office was a household office. She could take a vow that was binding before God without having to wait a day for her husband or father to confirm it (Num. 30:9). This points to her position as a household priest. The response to this argument is that the importance of God's masculinity outweighs even the importance of the office as the head of the household. A Levite could have represented the widow at the actual ritual sacrifice.

33. Those who argue that the Israelite women never ate the Passover must find some way to explain the legitimacy of Deborah's office as civil judge. He will have to separate citizenship from participation at the feasts. This will make citizenship in Israel very difficult to explain.

34. Philip the evangelist had four daughters who prophesied (Acts 21:8–9).

There is no representation with respect to the woman's covenantal mark in the New Testament. There surely should be no question of the right of women to vote in elections, to serve on juries, and to be elected to political and judicial office in a Christian social order. *Baptism is the mark of this judicial civil authority*. Baptized women possess the covenantal proof of judicial subordination to God that is also a mark of civil authority in a Christian civil commonwealth.

This doctrine does not authorize universal women's suffrage, however. Baptism as the basis of rulership is the mark of God's theocratic order. Nevertheless, there can be no lawful discrimination by the state on the basis of differences in race, color, or sex. Why not? Because of Exodus 12:49: "One law shall be to him that is homeborn, and unto the stranger that sojourneth among you." *But there must always be civil discrimination with respect to creed*, not in the sense of the application of biblical civil law, but with respect to those who have lawful access to the civil offices that apply it.

With respect to the right of baptized women to vote, to hold political office, and to sit on juries, it is clear that such rights were ignored by Christian men from the days that Christians first gained access to political power in Rome. This judicial blindness is analogous to the refusal of Christians to liberate their permanent lifetime slaves, and to refuse to pass civil laws liberating them. It took until the mid-nineteenth century to persuade civil governments of the moral evil of refusing to abolish slavery. It took another three-quarters of a century to persuade national governments that all women should have the right to vote. In both cases, Christian scholars and leaders did not take the lead. They followed the lead of the humanists.[35]

Does this mean that the institutional church learns only slowly how to apply fundamental biblical principles as time goes on? Yes. Does this mean that basic biblical principles of justice have been ignored by the church for many centuries? Yes. Does this mean that if the church refuses to acknowledge the Bible's authority for law, poli-

35. The first women's rights meeting was held in 1848 in Seneca Falls, New York. In 1861, the state of Kansas authorized women to vote in school board elections. In 1890, the state of Wyoming authorized general women's suffrage, the first general civil government to do so. In 1893, New Zealand granted the right to vote to women; in 1902, Australia followed New Zealand's lead. Norway was the first nation in Europe to do so, in 1907 on a limited basis, and full suffrage in 1913. The Nineteenth Amendment (1920) modified the U.S. Constitution to allow women full voting rights: "The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of sex. Congress shall have power to enforce this article by appropriate legislation." Not until 1928 did English women gain full suffrage.

tics, economics, education, and similar supposedly non-ecclesiastical topics that the enemies of God will take the lead in promoting such ideas, but only by universalizing these judicial principles and removing their biblical covenantal content? The historical testimony of the last two centuries certainly indicates that such is the case. For example, Christians in the era of the early American republic sold their birthright for a mess of judicial pottage in 1788—an historical and judicial fact still vehemently denied by today's disinherited American Christians—and the Unitarian humanists immediately began to collect their newly purchased inheritance. They were able to do this initially by deception: stealing the language of biblical civic and judicial righteousness by substituting the doctrine of Newtonian natural law.[36] They continued the transfer after 1788 by capturing Christianity's rhetoric of mission and its vision of victory.[37] The final transfer was made by Darwin: the destruction of natural law and the coming of the scientific planning elite.[38]

G. Humanist Citizenship

The modern humanist wants the political fruits of ritual subordination to God, namely, the right to exercise civil judgment in society, but without the roots: actual ritual subordination to God. He wants the judicial fruits of lawful access to God's required feasts without actually having to attend them. He wants universal suffrage: a guarantee of his continuing access to the office of judge, despite his public denial of God's authority over him. He insists on being allowed to serve as a civil judge despite the fact that he is not under ecclesiastical discipline. If this demand is biblically legitimate, it means one of two things: (1) that he can interpret and apply God's revealed civil law as well as a Christian can, despite the fact that he refuses to honor the

36. Gary North, *Political Polytheism: The Myth of Pluralism* (Tyler, Texas: Institute for Christian Economics, 1989), Part 3.

37. If one event best captures the nature of the transfer it was the capture of Harvard College by the Unitarians in 1805, symbolized by Henry Ware's election to the chair of theology. On the transformation, see C. Gregg Singer, *A Theological Interpretation of American History* (Nutley, New Jersey: Craig Press, 1964), ch. 3; Alice Felt Tyler, *Freedom's Ferment* (New York: Harper Torchbook, [1944] 1965); Edward McNall Burns, *The American Ideal of Mission: Concepts of National Purpose and Destiny* (New Brunswick, New Jersey: Rutgers University Press, 1957); Albert K. Weinberg, *Manifest Destiny: A Study in Nationalist Expansion in American History* (Chicago: Quadrangle, [1935] 1963).

38. Gary North, *Sovereignty and Dominion: An Economic Commentary on Genesis* (Dallas, Georgia: Point Five Press, [1982] 2012), Appendix A: "From Cosmic Purposelessness to Humanistic Sovereignty."

counsel of church officers by affirming the church covenant and submitting to church discipline; or (2) that God's revealed civil law—if such even exists—is irrelevant to civil affairs.

We need to understand what this means judicially and politically. *The humanists want a different covenant*, with a different set of five points: sovereignty (the General Will, the People, The *Volk*, the proletariat, etc.), hierarchy-representation (the Party, the vanguard of the proletariat, the *Führer*, the Supreme Court, national plebiscites, etc.), law (majority rule, evolutionary forces, Marxism-Leninism, etc.), judgment (oaths to different sovereignties in order to gain citizenship, welfare rights and entitlements, etc.), and inheritance (political citizenship). They have been successful in persuading voters, including Christian voters, of the supposed judicial necessity of abandoning the biblical covenant model that long undergirded Europe's civil commonwealths.

Humanists have written civil covenants (constitutions) that make citizenship the product of physical birth or of state adoption ("naturalized citizenship") rather than citizenship by ritual subordination to the God of the Bible. In the twentieth century, for example, the suffragettes got their wish: the right to vote. But the suffragettes were radicals and humanists, not Christians. They wanted the right of all women to vote because of their supposed birthright as human beings. They saw political citizenship as a product of physical birth in a modern secular democracy. But the Bible does not teach that men and women have any birthrights, save one. They are born in sin and corruption, and what they are entitled to, apart from God's special grace, is *a legal right to eternal death*.

So, universal suffrage is the political demand of those who bear no marks of ritual subordination to God. Biblically, the right of all Christian women to vote is clear from the meaning of circumcision and baptism. The right of all women to vote is denied by the same law that denies the right of all men to vote: the law that authorized circumcised men to attend Passover. "A foreigner and an hired servant shall not eat thereof" (Ex. 12:45).

Conclusion

The Old Testament laws of the feasts specified that the judges of Israel in the broadest sense had to appear before the Lord in Jerusalem three times a year. This reminded them of the magnitude of their blessings: a court appearance in the presence of the King of heaven.

It also reminded them that they were under this King's authority judicially. If they disobeyed this law, they were brought under condemnation: expulsion from the congregation of the Lord. This meant the removal of the condemned man's office of judge.

Regular rituals of covenant renewal in the house of God were basic to the exercise of citizenship in the Old Testament. This is equally binding biblically in the New Testament. The New Testament covenant mark of baptism and the New Testament feast of the Lord's Supper have replaced the Old Covenant's mark of circumcision and Passover.

Women now have the mark of the covenant placed directly on them. Because women receive the mark of the covenant in baptism, they are required to participate in the ritual meal of covenant renewal: the Lord's Supper. This becomes their legal title to access to the civil office of judge.[39] With respect to civil office, "There is neither Jew nor Greek, there is neither bond nor free, there is neither male nor female: for ye are all one in Christ Jesus" (Gal. 3:28). But this cannot mean that today there is no civil covenant. The civil covenant is an inescapable concept. It is never a question of "civil covenant vs. no civil covenant." It is always this question: "*Which* civil covenant, under *which* God?"

The Hebrews were required to give the firstfruits to God. He was the owner of the land. He was entitled to his percentage of the land's output. The Hebrews were required to declare ritually and collectively that they were sharecroppers on God's property. Only those who acknowledged their position as economic sharecroppers were allowed to serve as judges. Without both ritual subordination and economic subordination to God, they were not allowed by God to exercise justice as officials in the civil commonwealth. *Those who are not formally under the ecclesiastical covenant may not bear the sword of judgment as officers of God's civil court*. Those who are not under the terms of God's "sharecropping" agreement are to be removed from the congregation, meaning from the list of those entitled by law to become candidates for civil office.

This indicates that those in a church who do not tithe should not be allowed to become voting members. They may be communicant

39. Again, I am not arguing that women were not permitted to exercise judicial authority in Old Covenant Israel. I am making it clear, however, that there is still a covenant mark of judicial subordination, and this mark must be received by anyone who claims citizenship, meaning rulership, in a biblical commonwealth. It was received *representatively* by women in the Old Testament through their male relatives.

members, but not voting members. In a fully Christian social order, all churches would require tithing for voting membership. Only voting church members would be allowed to become voting members of civil government. The tithe is basic to both social order and political order. But Christians do not believe this today, and we suffer great disorder.

55

THE CURSE OF ZERO GROWTH

And ye shall serve the LORD *your God, and he shall bless thy bread, and thy water; and I will take sickness away from the midst of thee. There shall nothing cast their young, nor be barren, in thy land: the number of thy days I will fulfil.*

EXODUS 23:25–26

The theocentric issue here is God as the sanctions-bringer. It is related to point four of the biblical covenant.[1] Given the nature of the announced blessings, there is only one possible source: God. The state is incapable of applying these positive biological sanctions in history.

God is the Judge, both in history and eternity. When God renders judgment, He does at least three things: (1) He evaluates a person's thoughts and actions in terms of the requirements of His law; (2) He pronounces judgment, either "guilty" or "not guilty"; and (3) He imposes the appropriate sanctions, either cursings or blessings.

What is not generally recognized or sufficiently emphasized is that *God does this in His capacity as Father*. He created man in His own image. The image of God in man brings man under God's sanctions. This is what makes him judicially responsible before God. God puts the work of the law in each person's heart; each person is capable of understanding the ethical standards God lays down. Each person knows enough to condemn him on judgment day. "For when the Gentiles, which have not the law, do by nature the things contained in the law, these, having not the law, are a law unto themselves: Which

1. Ray R. Sutton, *That You May Prosper: Dominion By Covenant*, 2nd ed. (Tyler, Texas: Institute for Christian Economics, [1987] 1992), ch. 4. Gary North, *Unconditional Surrender: God's Program for Victory*, 5th ed. (Powder Springs, Georgia: American Vision, 2010), ch. 4.

shew the work of the law written in their hearts, their conscience also bearing witness, and their thoughts the mean while accusing or else excusing one another" (Rom. 2:14–15).[2]

God the Father disinherited Adam, but He adopts those who have been elect by Him in Jesus Christ before the foundation of the world. "Blessed be the God and Father of our Lord Jesus Christ, who hath blessed us with all spiritual blessings in heavenly places in Christ: According as he hath chosen us in him before the foundation of the world, that we should be holy and without blame before him in love. Having predestinated us unto the adoption of children by Jesus Christ to himself, according to the good pleasure of his will" (Eph. 1:3–5). The two most fundamental sanctions in time and eternity—inheritance and disinheritance—are imposed by God in His office as the Head of the family. This is why it is the head of the earthly family who is most analogous judicially to God's role as Judge, not the civil magistrate or church officer.

A. Inheritance and Disinheritance

The exodus was based judicially on Israel's office as God's son. God had told Moses: "And thou shalt say unto Pharaoh, Thus saith the LORD, Israel is my son, even my firstborn: And I say unto thee, Let my son go, that he may serve me: and if thou refuse to let him go, behold, I will slay thy son, even thy firstborn" (Ex. 4:22–23). His ability to deliver His people from bondage in Egypt was the sign of His office as Father, and the sign of Israel's subordination to Him as a son. From that point on, the primary question for national Israel would be: "Am I the son who will inherit?" And the evidence, generation after generation, pointed to the answer: *no*. Israel was disinherited finally when the true Son, Jesus Christ, came to collect His inheritance, and the Jews refused to honor His claim.

> They answered him, We be Abraham's seed, and were never in bondage to any man: how sayest thou, Ye shall be made free? Jesus answered them, Verily, verily, I say unto you, Whosoever committeth sin is the servant of sin. And the servant abideth not in the house for ever: but the Son abideth ever. If the Son therefore shall make you free, ye shall be free indeed. I know that ye are Abraham's seed; but ye seek to kill me, because my word hath no place in you. I speak that which I have seen with my Father: and ye do that which ye have seen with your father. They answered and said

2. Gary North, *Cooperation and Dominion: An Economic Commentary of Romans*, 2nd ed. (Dallas, Georgia: Point Five Press, [2000] 2012), ch. 3.

> unto him, Abraham is our father. Jesus saith unto them, If ye were Abraham's children, ye would do the works of Abraham. But now ye seek to kill me, a man that hath told you the truth, which I have heard of God: this did not Abraham. Ye do the deeds of your father. Then said they to him, We be not born of fornication; we have one Father, even God. Jesus said unto them, If God were your Father, ye would love me: for I proceeded forth and came from God; neither came I of myself, but he sent me. Why do ye not understand my speech? even because ye cannot hear my word. Ye are of your father the devil, and the lusts of your father ye will do. He was a murderer from the beginning, and abode not in the truth, because there is no truth in him. When he speaketh a lie, he speaketh of his own: for he is a liar, and the father of it (John 8:33–44).

Jesus called the Jews bastards. Bastards were to be cut off from judicial office ("the congregation") in Israel for at least ten generations (Deut. 23:2).[3] This is why Jesus also announced: "Therefore say I unto you, The kingdom of God shall be taken from you, and given to a nation bringing forth the fruits thereof" (Matt. 21:43). The Father was about to cut off His son Israel for what Israel had done to His true Son, Jesus Christ.[4]

It is God in His office as heavenly Father who serves as the archetype of the earthly judge. It is the father as head of his household, rather than the church officer or the civil magistrate, who reveals God as Judge most accurately in history.

---

3. This means that genetic-covenant Israel can be adopted back into God's family. This is what Paul said will happen in the future: "I say then, Have they stumbled that they should fall? God forbid: but rather through their fall salvation is come unto the Gentiles, for to provoke them to jealousy. Now if the fall of them be the riches of the world, and the diminishing of them the riches of the Gentiles; how much more their fulness? For I speak to you Gentiles, inasmuch as I am the apostle of the Gentiles, I magnify mine office: If by any means I may provoke to emulation them which are my flesh, and might save some of them. For if the casting away of them be the reconciling of the world, what shall the receiving of them be, but life from the dead? For if the firstfruit be holy, the lump is also holy: and if the root be holy, so are the branches. And if some of the branches be broken off, and thou, being a wild olive tree, wert graffed in among them, and with them partakest of the root and fatness of the olive tree" (Rom. 11:11–17). That genetic-covenantal Israel will be brought back into the church is the position of such Presbyterian and Reformed commentators on Romans 11 as Charles Hodge, Robert Haldane, and John Murray. It is also the position of the Larger Catechism of the Westminster Confession of Faith: Question 191. See Ray R. Sutton, "Does Israel Have a Future?" *Covenant Renewal* (Dec. 1988).

4. David Chilton, *The Days of Vengeance: An Exposition of the Book of Revelation* (Ft. Worth: Dominion Press, 1987).

B. The Father as Rewarder

The human father hands out punishments and rewards to his children. He treats them as children during their period of dependency and hierarchical training. Jesus announced: "If a son shall ask bread of any of you that is a father, will he give him a stone? Or if he ask a fish, will he for a fish give him a serpent? Or if he shall ask an egg, will he offer him a scorpion? If ye then, being evil, know how to give good gifts unto your children: how much more shall your heavenly Father give the Holy Spirit to them that ask him?" (Luke 11:11–13).[5] The author of the Epistle to the Hebrews wrote: "But without faith it is impossible to please him: for he that cometh to God must believe that he is, and that he is a rewarder of them that diligently seek him" (Heb. 11:6). The judicial authority of the earthly father to issue rewards to those who diligently serve him is the primary mark of his unique covenantal authority.

1. Positive Sanctions

God hands out rewards in history. So do earthly fathers. Neither the church nor the state is supposed to hand out rewards when it hands down formal judgments. The judges of these two God-ordained (but God-limited) covenant institutions are supposed to deal with people as adults. They are to settle disputes that arise between legal adults. They are to prepare people to serve as heads of their own households, not treat them as children. For this reason, neither church nor state is supposed to hand out earthly rewards at the end of a trial. They are to declare the legal status of the parties of the dispute—guilty or not guilty—impose negative sanctions on the guilty party, and release the innocent party from further obligations.

What this means is that *judges are not to offer positive sanctions from the government to those declared "not guilty."*[6] Why not? Because this would make the judges into tyrants and/or servants of sycophants. Judges would thereby become bribe-seekers: not necessarily seekers of monetary gifts, but seekers of toadies to make them feel important. They would move steadily from the dominion religion to the power

5. Gary North, *Treasure and Dominion: An Economic Commentary on Luke*, 2nd ed. (Dallas, Georgia: Point Five Press, [2000] 2012), ch. 22.

6. This is not to say that judges are not to force the guilty parties to make restitution. Also, victims of unsolved crimes such as hit-and-run driving may be legitimately rewarded out of special trust funds administered by the civil government and financed by fines collected from those who commit "victimless crimes," such as speeding. But these rewards are not from the government; they are from convicted criminals.

religion. Judges are not supposed to issue orders and gain loyal followers; they are instead authorized to settle disputes. *The biblical commonwealth is not a top-down bureaucracy; it is a bottom-up appeals court.*

Judges are placed in the midst of a hierarchy. They are the legal servants of God, and they are also the servants of those who are under their judicial authority. They are servants upward to God and downward to men. In a biblical civil order, those who are under the judges are in fact the sovereign agents in the delegation of covenant authority. "Take you wise men, and understanding, and known among your tribes, and I will make them rulers over you" (Deut. 1:13). "Judges and officers shalt thou make thee in all thy gates, which the LORD thy God giveth thee, throughout thy tribes: and they shall judge the people with just judgment" (Deut. 16:18). Thus, there is never to be a final single voice of human authority until Jesus Christ speaks His words of judgment at the final judgment. The Bible divides authority in a series of hierarchies that remove final authority from any single individual or group.

It is the dream of the covenant-breaker either to annul this system of divided authority, and replace it with a top-down centralized order (statism), or else annul all hierarchical order and gain autonomy for himself (anarchism).

2. Contrasting Supernatural Systems of Authority

The visible sign of God's authority is His ability to bring judgments in history: blessing and cursing. He is invisible; His blessings and cursings are visible. Israel was warned: "And thou shalt become an astonishment, a proverb, and a byword, among all nations whither the LORD shall lead thee" (Deut. 28:37). God can deliver His people; He can also lead them back into bondage to a foreign nation.

Satan imitates God when he promises his followers blessings and cursings. But he owns nothing of his own. He is a thief[7] and a squatter in history.[8] Neither his threats nor his gifts are to be taken very seriously. His promises and threats are all deceptions that are designed to

7. Judas was representative of his covenantal master, Satan: "Then took Mary a pound of ointment of spikenard, very costly, and anointed the feet of Jesus, and wiped his feet with her hair: and the house was filled with the odour of the ointment. Then saith one of his disciples, Judas Iscariot, Simon's son, which should betray him, Why was not this ointment sold for three hundred pence, and given to the poor? This he said, not that he cared for the poor; but because he was a thief, and had the bag, and bare what was put therein" (John 12:3–6).

8. Gary North, *Inherit the Earth: Biblical Blueprints for Economics* (Ft. Worth, Texas: Dominion Press, 1987), p. 61.

deflect men's vision of God's true promises and the true threats. Jesus warned people to fear God, not Satan: "And fear not them which kill the body, but are not able to kill the soul: but rather fear him which is able to destroy both soul and body in hell" (Matt. 10:28).

God owns the world; thus, He has the power to distribute blessings out of His own capital. Satan can offer no blessings that he has not previously stolen. The mark of Satan's imitation sovereignty is his ability to deceive people into believing in *something for nothing* on any terms except God's grace. (And even God's free gift of grace to man was paid for by Jesus Christ.) God distributes true gifts; Satan creates the illusion of distributing rewards, net, but in fact he has to collect more than he gives. There is waste, confusion, and deception in his world. *Satan always runs a deficit*.

God is independent of His creation; Satan is dependent on God's creation and God's unmerited gift of time, knowledge, and power to Satan.[9] Satan can do only what God permits him to do (Job 1). God therefore tells His servants to serve others because He has the power to renew their strength and their economic resources. Satan tells his followers to compel service from others because he does not have the power to renew their strength and their economic resources. God gives; Satan steals. God's service moves from multiple centers (productivity) to the periphery (the needy). Satan's service moves from the periphery (tax collections) to the center (centralized political power). God's blessings reflect the procession of the Holy Spirit. Satan's blessings reflect the contraction of his kingdom in history. God brings economic growth; Satan brings economic contraction. God expands society's capital; Satan consumes society's capital. These competing systems of *supernatural covenantal sanctions* are reflected in the rival economic systems that objectify their rival ethical and legal principles: free market capitalism vs. the welfare state, whether Keynesian, socialist, or Marxist.

3. Dominion Through Service

The biblical principle of authority in every area of life is this: the greater the *service to others*, the greater the *authority over others*. "And whosoever will be chief among you, let him be your servant" (Matt. 20:27). "But he that is greatest among you shall be your servant" (Matt. 23:11). The servant does not take; the servant gives. This is

9. Gary North, *Dominion and Common Grace: The Biblical Basis of Progress* (Tyler, Texas: Institute for Christian Economics, 1987), pp. 21, 35, 39–44.

why Jesus Christ is the greatest servant with the greatest authority: He laid down His life for mankind in general and for His followers in particular (I Tim. 4:10).[10] The satanic version of dominion is the reverse of this biblical principle. Satan teaches that the greater one's *authority over others*, the greater the *services extracted from others*.

The biblical principle of service is not manifested in the same way in every institution. What is appropriate service for a father is not always appropriate for a civil magistrate, and vice versa. Both are different from a church officer. Men are to serve and give; but the particular office determines what exactly is to be given and under what conditions.

It is the mark of authority of the messianic State that it hands out rewards to those who diligently serve it. It extracts capital from all groups, but returns the booty (minus at least 50% "for handling") to its supporters and clients. The state steadily converts its citizens into lifetime servants (who pay, and may or may not receive anything back) and children (who obey, but also receive something). The bureaucrats, as so-called "public servants," become the actual masters. (Tell the person who stands before the tax collector that the tax collector is a public servant, and that the U.S. Internal Revenue Service is in fact a service.) The messianic state converts its citizens into permanent servants and children, and then this pseudo-parent collects the inheritance for itself from society's true families.[11]

Because both church and state are agencies that are dependent on those under their jurisdiction for financial support, neither is supposed to hand out rewards to those declared judicially innocent in a trial. Guilty parties are supposed to pay their victims. The court restores the *status quo ante* as much as possible; this includes restitution. Courts are to administer justice, not administer rewards.

4. Productivity and Judicial Authority

The family, in contrast to both church and State, is an independently productive unit. It is not simply a necessary protective agency whose services make possible economic creativity and economic growth, as is the case with the State. It creates net wealth through the skills and talents of its members. The family's primary productivity stems generally from the father. The senior judge is usu-

10. *Ibid*., ch. 2. Cf. Gary North, *Hierarchy and Dominion: An Economic Commentary on First Corinthians*, 2nd ed. (Dallas, Georgia: Point Five Press, [2001] 2012), ch. 6.

11. Chapter 25:E.

ally also the primary breadwinner.[12] Fathers therefore can lawfully hand down rewards to those they declare "not guilty," as well as impose sanctions on those they declare "guilty." They can use both the "carrot" and the "stick." Unlike the judges of both church and state, fathers earn wealth through their own labors; they do not rely on either tithe or taxes to fill the family's treasury. Thus, fathers are entitled to distribute rewards in their judicial capacity as judges. They are judges who in this sense are *uniquely analogous to God*, who also is not dependent on the productivity of those under His jurisdiction. "If I were hungry, I would not tell thee: for the world is mine, and the fulness thereof" (Ps. 50:12).

When the biblical civil government pronounces judgment through its authorized representatives, it can lawfully impose only negative sanctions. It does not reward those who are declared "not guilty." It simply releases them from bondage or the threat of bondage. It is prohibited from issuing positive injunctions, nor may it lawfully hand out positive rewards to those declared innocent. Why is the biblically mandated state to be a negative sanctioning agency only? Because the state's purpose is not to imitate God as a rewarder of those who diligently search Him and obey Him. It is also not supposed to make people righteous. Its purpose is to protect those under its lawful jurisdiction from the evil acts of others who are also under its jurisdiction. The civil government's functions are exclusively negative—prohibiting specified publicly evil acts—and therefore its sanctions are exclusively negative.

C. History: Cyclical or Linear?

We return now to the sanctions of Exodus 23:25–26: "I will take sickness away from the midst of thee. There shall nothing cast their young, nor be barren, in thy land: the number of thy days I will fulfil." These are positive sanctions in nature.

These sanctions presuppose that nature is not normative; rather, nature is under a curse as a result of man's ethical rebellion (Gen.

12. The confusion of office in the modern world is the result of a change in religion, but also a change in income sources. When mothers become secondary breadwinners, it is difficult for fathers to maintain the same degree of authority as before. Nevertheless, the judicial status of the office is primary, not the economic foundation of the office. The father still declares final judgment. But the more economically dependent the family is on the wife, the more he will have to listen to her counsel. She possesses a negative sanction: the authority to quit working.

3:17–19).[13] The so-called "balance of nature" hypothesis assumes either an autonomous process of temporary linear developments locally, but within an overall framework of decay (Darwinism and cosmic entropy), or else an eternal alternating process of development and cosmic decay (cosmic cycles). Both perspectives regarding nature are completely antithetical to the biblical viewpoint. The biblical scientific worldview is based on the theme of death and resurrection.[14]

The growth of human population, if directed by God in response to the widespread honoring of God's law, is normative. So is economic growth (Deut. 8). Not cycles of nature or culture, but rather *linear development* is God's response in history to men's ethical conformity to His law-order. God's law-order is designed to promote the *rapid* fulfilling of the terms of the dominion covenant. God does not desire nature to remain governed by the law of the jungle, the desert, or the frozen wastes. He wants the *ethical obedience of mankind*. When they give Him obedience by the means of grace, He promises to extend their rule over nature in history.[15] The extension of man's rule over nature is delayed primarily by the ethics of rebellion, not by innate "limits to growth" in nature. Individual limits can be overcome in a few generations, though not at zero cost.

It was sin and rebellion that thwarted the Hebrews in the attainment of their assigned tasks. They turned to the gods of Canaan—gods of the chaos festivals, the eternal cycles, and the abolition of time.[16] It was not the hypothetical autonomous restraint of biological "negative feedback," which kept the Hebrews from multiplying and filling the earth; it was instead their adoption of Canaanitic religions of cyclical growth and decay. They began to work out the implications of these rival religions, and God permitted them to sink their culture into the paralyzing pessimism of pagan faiths. He gave them their request, but sent leanness into their souls (Ps. 106:15). Then He scattered them: by the Assyrians, the Babylonians, the Greeks, and finally the Romans. This was the fulfillment of the prophecy of God's negative covenantal sanctions on the nation in history: "And the LORD shall scatter thee among all people, from the one end of the earth even unto the other; and there thou shalt serve other gods, which neither

13. North, *Sovereignty and Dominion: An Economic Commentary on Genesis* (Dallas, Georgia: Point Five Press, [1982] 2012), ch. 12.

14. Gary North, *Is the World Running Down? Crisis in the Christian Worldview* (Tyler, Texas: Institute for Christian Economics, 1988).

15. *Ibid.*, ch. 6.

16. Chapter 17.

thou nor thy fathers have known, even wood and stone. And among these nations shalt thou find no ease, neither shall the sole of thy foot have rest: but the LORD shall give thee there a trembling heart, and failing of eyes, and sorrow of mind" (Deut. 28:64–65).

D. Obedience and Biology

Is dominion essentially biological? Could the Israelites' growth of population have been even more rapid than it had been in Egypt? In Egypt there had been no guarantee against miscarriages. In short, that which is *biologically abnormal*—no miscarriages—is declared by God to be *culturally and historically normative* for His redeemed people. Did God expect them to fill the earth in only a few centuries?

The rate of conception could have been reduced by God, either directly or, as in the modern world, through the development of the technology of contraception. Thus, the birth rate might have dropped in response to the increasing pressures of population growth. It is possible that God would have delayed the external fulfillment of the population aspect of the dominion covenant. We are not told, however, that any such delay was normative. There is no indication in the revelation of God to His Old Covenant people that they would experience anything except large families, zero miscarriages, and high rates of population growth, *if* they would conform themselves to His law. Certainly, the *biological option* of rapid population growth was offered to them by God.

1. Biological Blessings

Exodus 23:25–26 speaks of God's positive sanctions in history. These sanctions are biological. "And ye shall serve the LORD your God, and he shall bless thy bread, and thy water; and I will take sickness away from the midst of thee. There shall nothing cast their young, nor be barren, in thy land: the number of thy days I will fulfil." There is no question what the source of such positive sanctions must be: *God the Father*. The state is not capable of granting this kind of reward. Thus, by promising biological rewards, God announced His covenantal office of Father.

As slaves in Egypt, the Hebrews had already experienced what has to be the most rapid population growth on record. Using Donovan Courville's estimate of 215 years from Joseph to the exodus, a single family, plus bondservants, had grown in two centuries to as many as two million people (Ex. 12:37). Mathematically speaking, such an in-

crease can be explained only by assuming that during the first century of Israel's residence in Egypt, other tribes and even Egyptians had voluntarily joined themselves with the Hebrews through conversion and circumcision during the era of prosperity in the land of Goshen.[17]

Even after the exodus, God told them that their numbers were insufficient to enable them to subdue the land of Canaan all at once. Speaking of the pagan cultures still in the land, God said: "I will not drive them out from before thee in one year; lest the land become desolate, and the beast of the field multiply against thee. By little and little I will drive them out from before thee, until thou be increased, and inherit the land" (Ex. 23:29–30).

This is an extremely important passage. *First*, it affirms man's authority over land and animals. Even the morally perverse Canaanite tribes possessed God-given authority over the works of nature. Men, not the beasts, are supposed to subdue the earth.[18] *Second*, this passage warns God's covenant-keeping people against attempting to achieve instant dominion. They must first build up their numbers, their skills, and their capital before they can expect to reign over the creation. Covenant-breakers possess skills and capital that are important to the continuity of human dominion. They can be competent administrators. Their labor can be used by God and society until an era comes when God's people are ready to exercise primary leadership in terms of God's law. At that point, ethical rebels will either be regenerated through God's grace, or else steadily replaced by the new rulers of the land.[19] Until then, God's people must be content to wait patiently, improving their own administrative abilities and increasing their numbers. *Dominion is an ethical process*, a process of *self-government under God's law*.[20]

God promised His people a specific reward for covenantal faithfulness (23:25): *health*, including an absence of miscarriages among both humans and domesticated animals. This *conditional promise* would have enabled the Hebrews, had they remained faithful as a nation, to have achieved cultural dominion more rapidly. Ultimately, it would have led to the subduing of the whole earth, had the same

17. Chapter 1.

18. The all-too-familiar statement of evolutionists that insects, especially cockroaches, are the true inheritors of the earth, the longest-lived of animals, the creatures that endure throughout history, is fully consistent with Darwinian history. It is also theologically perverse. I call it "cockroach eschatology": the bugs shall inherit the earth.

19. North, *Dominion and Common Grace*.

20. Sutton, *That You May Prosper*.

rate of population growth which they had experienced in Egypt been sustained for a few more centuries.

2. Biological Cursings

God promised to heal them if they remained faithful to Him. But if they refused to obey Him, He promised to bring them under the negative biological sanctions that had plagued them in Egypt.

> If thou wilt not observe to do all the words of this law that are written in this book, that thou mayest fear this glorious and fearful name, THE LORD THY GOD; Then the LORD will make thy plagues wonderful, and the plagues of thy seed, even great plagues, and of long continuance, and sore sicknesses, and of long continuance. Moreover he will bring upon thee all the diseases of Egypt, which thou wast afraid of; and they shall cleave unto thee. Also every sickness, and every plague, which is not written in the book of this law, them will the LORD bring upon thee, until thou be destroyed. And ye shall be left few in number, whereas ye were as the stars of heaven for multitude; because thou wouldest not obey the voice of the LORD thy God (Deut. 28:58–62).

These negative national sanctions would be visible symbols of a return to Egypt, a reversal of the exodus, the transition from grace to wrath. *The God who brings health as a corporate covenantal blessing is also the God who brings sickness as a corporate covenantal cursing*. The text says specifically that plague is a negative sanction used by God to call His people back to Him as a covenant unit. This is why God judged Israel with a plague that killed 70,000 people when He punished David for illegally numbering the people. "So the LORD sent a pestilence upon Israel from the morning even to the time appointed: and there died of the people from Dan even to Beer-sheba seventy thousand men" (II Sam. 24:15). Sickness in general is also a negative covenant sanction. (That some Christians affirm the positive sanction of health as being from God but simultaneously deny the negative sanction of sickness testifies to their hostility to the biblical doctrine of covenantal judgment. We must positively confess Christ as Healer and negatively confess Christ as Plague-master. To refuse to do the latter is the equivalent of preaching heaven but denying hell.)[21]

What God did not promise was covenantal neutrality. He did not promise mere stagnation. These promised biological sanctions *take from*; they do not simply "fail to add to."

21. I have in mind here the so-called "positive confession" charismatics who refuse to admit that God brings sickness and plagues as covenantal judgments.

E. Covenantal Cause and Effect: Life Expectancy

A nation that is characterized by increasing longevity is clearly under the common-grace blessing of God. "Honour thy father and thy mother: that thy days may be long upon the land which the LORD thy God giveth thee" (Ex. 20:12). As Paul reminded his readers: "Honour thy father and mother; which is the first commandment with promise" (Eph. 6:2). Ultimately, as nations conform themselves to God covenantally, God promises to restore something analogous to people's pre-Flood longevity—a covenantal promise that is the greatest single stumbling stone in the Bible for amillennial eschatology: "There shall be no more thence an infant of days, nor an old man that hath not filled his days: for the child shall die an hundred years old; but the sinner being an hundred years old shall be accursed" (Isa. 65:20). This promise is found in the midst of a group of promises, mostly economic in scope.

> For, behold, I create new heavens and a new earth: and the former shall not be remembered, nor come into mind. But be ye glad and rejoice for ever in that which I create: for, behold, I create Jerusalem a rejoicing, and her people a joy. And I will rejoice in Jerusalem, and joy in my people: and the voice of weeping shall be no more heard in her, nor the voice of crying. There shall be no more thence an infant of days, nor an old man that hath not filled his days: for the child shall die an hundred years old; but the sinner being an hundred years old shall be accursed. And they shall build houses, and inhabit them; and they shall plant vineyards, and eat the fruit of them. They shall not build, and another inhabit; they shall not plant, and another eat: for as the days of a tree are the days of my people, and mine elect shall long enjoy the work of their hands. They shall not labour in vain, nor bring forth for trouble; for they are the seed of the blessed of the LORD, and their offspring with them (Isa. 65:17–23).[2222]

1. A Map of Life Expectancy

As recently as 1985, three dozen nations had average life expectancy above age 70. This matched the maximum average life expec-

22. Archibald Hughes, an amillennialist, wrote a book called *A New Heaven and a New Earth* (Philadelphia: Presbyterian & Reformed, 1958). He refused to comment on the meaning of this passage, one of only two in the Old Testament that refers to the New Heaven and New Earth, and one of only four in the Bible. The others are Isaiah 66:22, II Peter 3:13, and Revelation 21:1. I can understand his reluctance to do so; the passage has to be denied by an amillennialist. There is a sinner mentioned in verse 20. This means that the verse cannot possibly refer to the post-final judgment world of the resurrection. Thus, the "new heaven and new earth" cannot possibly be relegated exclusively to the post-historical world.

tancy of Moses' day (Ps. 90:10). These nations included the North American nations of the United States and Canada, Japan, Taiwan, New Zealand and Australia, the United Kingdom and Ireland, Norway and Sweden, Iceland, all continental European nations except Turkey (most of which is in Asia), Chile, Argentina, Uruguay, and the tiny oil kingdoms of Kuwait and the United Arab Emirates.[23] By 2010, 115 nations had average life expectancy of 70 or above, according to the United Nations and reported by Wikipdedia. These high rates of life extending breakthroughs have come since the late nineteenth century. No major life extension breakthroughs have been introduced by the medical profession since the mid-1940s, with the development of antibiotics and modern insecticides.[24]

The improvement in life expectancy has been the result of many factors, most notably rising per capita wealth, better personal hygiene, inoculation against smallpox, vaccines, better sanitation, improved public water treatment, and the development and marketing of the "super drugs" from the mid-1930s to the mid-1940s, including sulpha drugs and penicillin. Without modern technology and modern capital markets, none of these developments would have been likely.

The major extension of human life expectancy has come as a result of falling rates of infant mortality. One estimate calculates that in the sixteenth and seventeenth centuries, infant mortality among Europe's ruling families was over 200 per 1,000 live births.[25] This fell to 70 per 1,000 in the nineteenth century.[26] In the United States after 1900, the rate fell by 2.5 percent per annum to 65 in 1930, and similar declines were experienced by all nations undergoing rapid economic development.[27] By 1961, the rate was down to about 26 deaths per 1,000 in the first five years of life, and by 1980, to about 12.[28] Reduced infant mortality is why the statistics show that we live longer in this century. "Comparison of life tables from various countries at various

23. *Atlas of the United States* (New York: Macmillan, 1986), p. 119; data based on the *World Bank Atlas*, 1985.

24. William Peterson, *Population*, 2nd ed. (New York: Macmillan, 1969), p. 576.

25. Sigismund Teller, "Birth and Death among Europe's Ruling Families since 1500," in D. V. Glass and D. E. C. Eversley (eds.), *Population in History* (London: Edward Arnold, 1965); cited by Victor Fuchs, *Who Shall Live? Health, Economics, and Social Choice* (New York: Basic Books, 1974), p. 32.

26. Fuchs, *idem*.

27. *Idem*.

28. William A. Knaus, *Inside Russian Medicine* (New York: Everest House, 1981), chart, p. 375.

times suggests that as life expectancy rises from 35 to 70, about four-fifths of the increase is contributed by reductions in death rates under 70. . . ."[29]

What took place in the industrializing nations during the nineteenth century was simply unprecedented since the era of Moses: babies who are allowed by their mothers to survive do survive. (Meanwhile, there are between 35 million and 55 million abortions performed worldwide each year.)[30] As population scholar George Stolnitz concluded in 1955, the rise in Western life expectancy during the past century has probably been more far-reaching than the gains of the previous two millennia.[31] In fact, it is even more remarkable than this: most of the improvement in Western Europe and English-speaking North America came between 1850 and 1900.[32] This is additional evidence that the bulk of the West's gain in life expectancy since 1900 has come through the reduction of infant mortality, since this period was marked by rapidly falling rates of infant mortality. There has been a sharp average rise in life expectancy within the West, meaning a remarkable decline of differences within the region.[33] Today, "West" primarily means high technology and low mortality rates, not geography, race, or religion.

Doesn't this deny the premise of Exodus 23:25–26, namely, that God rewards His covenant people with long life? No; it means that He rewards those *societies that obey His covenant's external ethical requirements*, even if they do not adhere to the formal theological affirmation of Trinitarian faith. Like Nineveh, which avoided God's wrath by repenting of its external sins, despite the fact that it did not affirm the covenant,[34] the modern world has adopted the Protestant work ethic and the Puritan concept of time and thrift with-out accepting Protestantism.

What about the third world? The introduction of DDT and antibiotics into third world nations has received considerable attention

29. Fuchs, *Who Shall Live?*, p. 40.

30. *World Population and Fertility Planning Techniques: The Next 20 Years* (Washington, D.C. Office of Technology and Assessment, 1982), p. 63.

31. George J. Stolnitz, "A Century of International Mortality Trends," *Population Studies* (July 1955); reprinted in Charles B. Nam (ed.), *Population and Society* (New York: Houghton Mifflin, 1968), p. 127.

32. Peterson, *Population*, p. 547.

33. Stolnitz, *op. cit*., p. 132.

34. If it had been converted, there would have been signs of covenantal continuity: point five of the covenant. On the contrary, the Assyrian empire conquered Israel and carried the nation into captivity.

from those who try to explain the post-World War II population explosion in these areas. Another reason is the increasing urbanization of many areas and the introduction of modern agricultural techniques. The two most ignored major technological innovations that have extended life expectancy in backward countries, according to economist Peter Drucker, were the invention by an unknown American in the 1860s of wire mesh screens for doors and windows, which poor families adopted to escape flying insects, and the separation of drinking water supplies from latrine areas, a technique known before Alexander of Macedon. These two ignored developments are the primary health care component of the third world's population explosion, he argued.[35]

2. The USSR: A Third-World Nation Medically

Prior to the collapse of the Soviet Union in 1991, that nation was the great actuarial exception among major industrial nations. Its reported life expectancy was no higher than Communist China's, which was a vastly underdeveloped nation.[36] In recent years, life expectancy has declined in the USSR. Reported infant mortality rose from 22 deaths per 1,000 live births in 1971 to over 31 in 1977. The reported data have declined to about 29 in 1980.[37] The age-adjusted death rates of the USSR and the United States intersected in 1966 at about 7.5 per 1,000. After 1966, the Soviet death rate climbed to over 9 per 1,000, while the death rate in the United States fell to about 6 per 1,000.[38]

But the reported data probably understate the reality. On December 7, 1988, a massive earthquake struck the Armenian region of the USSR. In less than one minute, 400,000 people were left homeless in the middle of winter. The death toll was initially estimated to be as high as 100,000 (later revised downward by the Soviet government to 25,000). The Soviets then called for international aid to the victims, a sign of its third-world status economically.

In the immediate aftermath of the tragedy, a *Los Angeles Times* wire story revealed the fact that during the previous two years, as a result of Premier Gorbachev's loosening of controls on the Soviet press, the Soviets had admitted that their health care system was in shambles.

35. Peter Drucker, *Management: Tasks, Responsibilities, Practices* (New York: Harper & Row, 1974), p. 330.

36. *Atlas of the United States*, p. 118.

37. Knaus, *Inside Russian Medicine*, chart, p. 375.

38. *Ibid.*, chart, p. 376.

Soviet medical authorities acknowledged that the quality of medical care had deteriorated since the 1960s, with male life expectancy dropping. The Soviet Union was 51st in male life expectancy in the world, behind the Caribbean island of Barbados. Medical equipment was 1940s and 1950s vintage. "Soviet newspapers now write critically of dilapidated hospitals, corrupt and underpaid doctors who earn less than the average blue-collar worker, and nationwide shortages of antibiotics and other pharmaceuticals. . . ."[39] Yet the USSR had over twice the number of physicians as the United States for a population only slightly larger.[40]

William Knaus served as a Foreign Service Medical Officer for the United States Information Agency in 1973–74. In his book, *Inside Russian Medicine*, he offered an appendix: "Taking Care of Yourself in the USSR—An Informal Guide for Tourists." He warned tourists to take two sets of prescription drugs in two separate suitcases. "There is no way for you to have a prescription filled in the USSR."[41] If you get a toothache, learn to live with it. "Most Soviet dental care is crude and done without anesthetics." If there is a problem with a loose filling, the Soviet dentist will probably just extract the tooth.[42]

What was the secret of Soviet medicine? It was free of charge— *besplatno*—to all citizens. You get what you pay for unless the State pays for it, and the Soviet State since 1917 was far more concerned about military expenditures than public health expenditures.

3. A Tale of Two States

Economist Victor Fuchs included a fascinating section in his book, *Who Shall Live?* He compared two United States western states that border each other, Utah and Nevada. Utah is the state where the Mormons live. Nevada is the state where everyone comes to gamble and see the floorshows with the famous entertainers and the infamous semi-nude showgirls. Infant mortality is about 40% higher in Nevada than in Utah.[43] It is the same throughout Nevada, and not just in the large cities. Statistically, infant mortality or survival is heavily dependent on the physical and emotional condition of the mother.

The death rates for children ages 1–19 is 16% higher for males in Nevada; it is 26% higher for females. Then the disparity increases:

39. "Soviet health system deteriorating," *Dallas Times Herald* (Dec. 10, 1988).
40. Knaus, *Inside Russian Medicine*, p. 378.
41. *Ibid.*, p. 362.
42. *Ibid.*, p. 363.
43. Fuchs, *Who Shall Live?*, p. 52.

44% (males) and 42% (females), ages 20–39. It climbs to an astounding discrepancy of 54% (males) and 69% (females), ages 40–49. Then it drops to 20% (males) and 6% (females), ages 70–79.[44] Fuchs analyzed the differences.

> The two states are very much alike with respect to income, schooling, degree of urbanization, climate, and many other variables that are frequently thought to be the cause of variations in mortality. (In fact, average family income is actually higher in Nevada than in Utah.) The numbers of physicians and of hospital beds per capita are also similar in the two states.
>
> What, then, explains these huge differences in death rates? The answer almost surely lies in the different life-styles of the residents of the two states. Utah is inhabited primarily by Mormons, whose influence is strong throughout the state. Devout Mormons do not use tobacco or alcohol and in general lead stable, quiet lives. Nevada, on the other hand, is a state with high rates of cigarette and alcohol consumption and very high rates of marital and geographical instability. The contrast with Utah in these respects is extraordinary.
>
> In 1970, 63 percent of Utah's residents 20 years of age and over had been born in the state; in Nevada the comparable figure was only 10 percent; for persons 35–64 the figures were 64 percent in Utah and 8 percent in Nevada. Not only were there more than nine of ten Nevadans of middle age born elsewhere, but more than 60 percent were not even born in the west. . . .
>
> The differences in marital status between the two states are also significant in view of the association between marital status and mortality. . . . More than 20 percent of Nevada's males ages 35–64 are single, widowed, divorced, or not living with their spouses. Of those who are married with spouse present, more than one-third had been previously widowed or divorced. In Utah the comparable figures are only half as large.[45]

After studying the data, Fuchs concluded that rising income in the United States will make only marginal improvements in life expectancy. The great strides in life expectancy had little to do with improved medical care until the 1930s, and then only for one decade. Today, it is heart disease, cancer, and other degenerative diseases that kill us. He saw no major gains in life expectancy ahead based on improvements in public health or medical technology. Effective medicine is widely distributed and widely available. Thus, he concluded, the greatest potential for improving the health of Americans is a change in their life-style: diet, smoking, drinking, marriage, and so forth. In short, *the fundamental health issues are now ethical*.

44. *Idem*.
45. *Ibid*., p. 53.

If he had defined ethics as covenantal, and if he had linked ethics to such matters as invention, capitalization, and the diffusion of technology to the masses, I would agree with him. Ethics has effects far beyond personal life-style. Covenant-keeping and covenant-breaking affect everything, including personal health.

F. Stagnation as Judgment

God's covenants are frequently familistic. So are His blessings: long life for honoring parents (Ex. 20:12), health for general obedience (Ex. 23:25), and large families (Ps. 127:5). Long-term stagnation—economically, demographically, intellectually—is a sign of God's displeasure. Growth must not be seen as inherently destructive. More than this: *a static culture cannot survive*. It has to change in order to survive. Population growth, like any kind of social growth, can be either a blessing or a curse (a prelude to disaster), depending on the character of the people who are experiencing the expansion. It is *ethics*, not growth as such, which determines the legitimacy or illegitimacy of any given social growth process in a particular period of history.

Greater numbers of people can and often do result in more efficient ways to fulfill the cultural mandate. The increasing division of labor permits greater specialization and greater output per unit of resource input.[46] Population growth is specifically stated to be a response of God to covenantal faithfulness, but it is also a tool of dominion. God's ethical universe is one of *positive feedback:* from victory unto victory. This ethical standard has visible effects in history. Ethical development, meaning progressive sanctification ("set-apartness") in terms of God's law, is eventually accompanied by the compound growth process, i.e., positive feedback, in human affairs.[47]

1. Entropy and Its Effects

Negative feedback is a limiting factor in a cursed world. The animals are not allowed to multiply and overcome the land. They are restrained by man or by "the forces of nature," meaning the environment's built-in limitations on the compound growth process. Negative feedback is *in part* the product of God's curse. There are indeed limits to growth. Growth is not automatic. Growth is not a zero-price

46. This does not mean that a growing population is always an economic blessing. Again, it is the ethical character of the people, not rates of biological reproduction, which determines the character of the growth process, either curse or blessing.

47. North, *Is the World Running Down?*, chaps. 7, 8.

process. But negative feedback—sometimes characterized as the so-called "law of entropy"—is not the characteristic feature of the universe. The grace of God through faith in Jesus Christ is the characteristic feature of the universe: *redemption, resurrection, and restoration*.

Entropy is a fundamental principle of physical science that states that the movement of molecules tends to become increasingly random over time. Less and less usable energy is available to perform work as time goes on. When the idea of entropy—a scientific phenomenon of hypothetically autonomous physical nature—begins to turn the faith of a particular civilization toward pessimism about mankind's long-term future, then that civilization has come under the judgment of God.[48] It was lack of faith in the future which brought down the ancient city-states, including Rome. When classical civilization finally capitulated to the inherent pessimism of all cyclical history, nothing could save it.[49] Rome fell: to Christianity in the East (Byzantium), and to the barbarians in the West.

Negative feedback in one's personal life is not necessarily a sign of God's curse. Positive feedback in life is not necessarily a sign of God's grace. There are cases where righteous individuals are judged (Job, for instance). It all depends on one's ethical standing before God. God sometimes "sets up" sinners for destruction—a kind of entrapment (the Pharaoh of the exodus, for instance). But generally, growth is a blessing, and contraction is a curse: "For whosoever hath, to him shall be given, and he shall have more abundance: but whosoever hath not, from him shall be taken away even that [which] he hath" (Matt. 13:12). The general rule is growth for the godly and contraction for the ungodly. In neither case can people preserve the status quo.

2. Humanism, Paganism, and the Status Quo

A zero-growth philosophy is the product of humanism, both secular and occult. It is a philosophy of the status quo—the preservation of the society of Satan, as if he had not been dealt a mortal wound at Calvary, as if he were not on the defensive internationally against the leaven of Christ's kingdom (Matt. 13:33). The universe is cursed;

48. See, for example, the book by Marxist critic and New Age commentator Jeremy Rifkin, *Entropy: A New World View* (New York: Bantam, [1980] 1981). For a detailed refutation, see my book, *Is the World Running Down?*

49. Charles Norris Cochrane, *Christianity and Classical Culture: A Study of Thought and Action from Augustus to Augustine* (New York: Oxford University Press, [1944] 1957). This was reprinted by the Liberty Fund.

its resources are limited; but this reality is not evidence that favors a no-growth philosophy. The biblical doctrine of fallen man does not teach men to believe in a world that is cursed forever. Judgment and final restoration are coming. Time is bounded. Redeemed mankind must fulfill God's dominion assignment, in time and on earth, before Jesus returns in final judgment.[50]

Humanists and satanists wish to deny the sovereignty of God, and therefore virtually all of them affirm the sovereignty of the entropy process. They wish to escape the eternal judgment of God, so they affirm an impersonal finality for all biological life. Men have sometimes turned to a philosophy of historical cycles to help them avoid the testimony of God concerning linear history. Others have turned to the entropy process when they have adopted a Western version of linear history. They settle for slow decay rather than cycles. The goal is to escape the judgment of God. All of them prefer to avoid the truth: for covenant-breakers, the growth process will be cut short. A new downward cycle will triumph, they argue. Entropy will triumph. Anyway, *something* will triumph, but not the God of the Bible.

In the 1960s and 1970s, a new phenomenon hit the academic and intellectual world: defenders of no-growth economics.[51] Prior to this, virtually all professional economists had been concerned with fostering economic growth.[52] This was part of an overall attack on growth in general.[53] Population growth was the primary target of these attacks.[54] From 1965 through 1976, governments had poured over a billion and a quarter dollars into programs promoting worldwide population control, and the Rockefeller Foundation and Ford Foundation

50. Perfect fulfillment is impossible because of sin, but it can be approached as an ethical limit.

51. The most prominent academic economist in the no-growth camp is E. J. Mishan: *The Costs of Economic Growth* (New York: Praeger, 1967); *The Economic Growth Debate: An Assessment* (London: George Allen & Unwin, 1977).

52. Bert F. Hoselitz (ed.), *Theories of Economic Growth* (New York: Free Press, 1960). This book traces economic theories on growth back to the seventeenth century.

53. Dennis Meadows, *et al., The Limits to Growth* (New York: Universe Books, 1972). See also Mancur Olson and Hans H. Landsberg (eds.), *The No-Growth Society* (New York: Norton, 1973).

54. Paul Ehrlich, *The Population Bomb* (New York: Ballentine, 1968). This became a runaway best-seller. See also Gordon Rattray Taylor, *The Biological Time Bomb* (New York: World, 1968). These books are in contrast to an earlier, more restrained discussion of population issues: Philip M. Hauser, *The Population Dilemma* (Englewood Cliffs, New Jersey: Prentice-Hall, 1963). Then came a Presidential commission report, *Population and the American Future* (New York: Signet, 1972), a popular paperback version of a government report. The story was the same: the danger of population growth.

added another $250 million.[55] All of this public concern over the population explosion was virtually an overnight phenomenon, beginning around 1965. All of it sprang from anti-Christian roots.[56]

Rushdoony's comments on pagan antiquity's hostility to change are applicable to the zero-growth movement in modern humanism.

> The pagan hatred of *change* was also a form of asceticism, and it is present in virtually all anti-Christianity. The hatred of change leads to attempts to stop change, to stop history, and to create an end-of-history civilization, a final order which will end mutability and give man an unchanging world. Part of this order involves also the scientific efforts to abolish death. This hatred of change is a hatred of creation, and of its movement in terms of God's purpose. Unlike the pagan and the humanist, the orthodox Christian is committed to a respect for creation.
>
> This respect for creation gave roots to science in the Christian west. It is not an accident of history that science in other cultures has had a limited growth and a quick withering. . . . The pagan perspective is one of a fundamental disrespect for creation, for the universe. The central problems for the Hellenic mind were *change* and *decay*. . . .[57]

The religion of zero growth is a religion of *decay* and *delay*. It proclaims inescapable decay, and offers a short-term social program of delaying the effects on society of this supposedly inescapable decay. The proper response to this religion is to point to God, whose law-order, through grace, offers redeemed man an escape hatch from entropy. The godly response is to promote long-term growth by means of a proclamation and enforcement of biblical law. We must proclaim *dominion through long-term growth*—a growth process that is the product of *progressive ethical sanctification*.

Christianity is not a religion of decay, but of life and progress. It is not a religion of delay, but of the return of Christ in judgment, after He has delivered up a developed earthly kingdom to God the Father (I Cor. 15:24), and has put all His enemies under His feet (I Cor. 15:25). Christianity is not a religion of entropy, either cosmic or social; it is a religion of progress, both cosmic and social.

We must not promote growth for its own sake. "Growth for the sake of growth is the ideology of the cancer cell," Edward Abbey once

---

55. Julian Simon, *The Ultimate Resource* (Princeton, New Jersey: Princeton University Press, 1981), p. 293.

56. See my critique in Appendix B: "The Demographics of Decline." See also James A. Weber, *Grow or Die!* (New Rochelle, New York: Arlington House, 1977).

57. R. J. Rushdoony, *Foundations of Social Order: Studies in the Creeds and Councils of the Early Church* (Vallecito, California: Ross House, [1968] 1998), pp. 172–73.

remarked. We are not to pursue the fruits of Christian faith; we are to pursue the roots. Through grace, we are to conform ourselves and our institutions to the requirements of biblical law. The result will be long-term growth. Growth is a reward for righteous living, not a goal to pursue at the expense of righteous living. But we must not be deluded into believing that the fruit of righteousness is zero growth. Far less are we to pursue zero growth as a way of life. Our obligation is to seek first the kingdom of God; all these other things will be added unto us (Matt. 6:33). *Added*—not subtracted, and not kept the same.

Conclusion

God brings His sanctions in history: cursings and blessings. He delegates to heads of families the authority to dispense positive sanctions to covenant-keeping children. The family unit is the heart of all economic growth, and therefore the head of the family, as the one who lawfully allocates the family's assets, is entitled to grant positive sanctions to those under his authority.

Church and state are not originally creative economically, but only corrective and protective ethically. The state provides the institutional framework of property ownership, which in turn affects economic productivity. The church declares God's ethical standards, and it provides access to the sacraments which alone make possible God's common grace in history. Without common grace, there could be no economic growth for pagans, and there would be a drastically reduced division of labor, which would also reduce the wealth of Christians.[58] Both church and State are dependent economically on the blessings of God and the productivity of private citizens because these covenant institutions serve both God and private citizens. They possess lawful authority as derived sovereignties—derived from God and man—which means that they must derive their direct economic support from those over whom they rule and therefore also serve. Their authority cannot be separated from their economic dependence on those over whom they exercise authority.

This is one reason why both the tithe and civil taxes are supposed to be proportional to the net output and therefore the net income of those under their jurisdiction. Civil and ecclesiastical judges are supposed to declare and enforce God's law, so that the whole society can prosper. They should be able to expand their income and influence only to

58. North, *Dominion and Common Grace*, pp. 53, 58, 76, 245.

the extent that they serve God and man in a covenantally faithful way. The visible manifestation of their success or failure in this task is the performance of the economy, including the ability of the economy to deliver effective medical services.

Dominion requires the mastery of every area of life in terms of God's revealed laws. This in turn requires faithful preaching of the comprehensive effects of God's redemption. Christ bought back everything when He sacrificed Himself. What dominion produces is order and growth, as well as orderly growth.

When God brings judgment on rebellious societies, He brings sickness, disorder, and economic stagnation. The modern no-growth humanists, including baptized humanists who call themselves Christians, are proclaiming a gospel of stagnation. They want order—a top-down, centrally planned order—but they do not want growth. The very complexity of a modern growing economy threatens their ability to promote a growing state-directed order.[59] Other critics of capitalism want decentralization, a "down on the farm" world of a minimal division of labor and zero growth.[60] Thus, their ideology is hostile to growth of most kinds.

God says that such a view of His kingdom is evil, although it is an accurate view of Satan's kingdom. To promote a zero-growth philosophy is to promote historical stalemate—a stalemate between God's kingdom and Satan's, between growth and decay, between good and evil. Satan wants a stalemate if he cannot get a victory. Long-term economic growth is a product of God's grace in response to covenantal faithfulness, itself a gift from God. Long-term economic growth is therefore a denial of stalemated kingdoms. It is a demonstration of God's victory over Satan, creativity over destruction, ethics over power.

59. See the anti-population growth arguments of socialist Bertrand Russell, *The Prospects of Industrial Civilization*, 2nd ed. (London: George Allen & Unwin, 1959), p. 273. I have reproduced his arguments in the Conclusion to Chapter 1.

60. Art Gish, "Decentralist Economics," in Robert Clouse (ed.), *Wealth and Poverty: Four Christian Views of Economics* (Downers Grove, Illinois: InterVarsity Press, 1984), Pt. III.

56

GOD'S LIMITS ON SACRIFICE

> *And this is the offering which ye shall take of them; gold, and silver, and brass, And blue, and purple, and scarlet, and fine linen, and goats' hair, And rams' skins dyed red, and badgers' skins, and shittim wood, Oil for the light, spices for anointing oil, and for sweet incense, Onyx stones, and stones to be set in the ephod, and in the breastplate. And let them make me a sanctuary; that I may dwell among them.*
>
> EXODUS 25:3–8

> *And they spake unto Moses, saying, The people bring much more than enough for the service of the work, which the* LORD *commanded to make. And Moses gave commandment, and they caused it to be proclaimed throughout the camp, saying, Let neither man nor woman make any more work for the offering of the sanctuary. So the people were restrained from bringing. For the stuff they had was sufficient for all the work to make it, and too much.*
>
> EXODUS 36:5–7)

God is the Creator of the world. He therefore owns it: "The earth is the LORD's, and the fulness thereof; the world, and they that dwell therein" (Ps. 24:1).[1] As the cosmic Owner, God demands a percentage of the profits from His subordinates. We are all sharecroppers in God's world.

A. An Offering for the King

God is also the King of creation. Thus, as a reigning monarch, God is entitled to occasional public manifestations of loyalty from His people. At times of formal covenant renewal, His people are asked

1. Gary North, *Confidence and Dominion: An Economic Commentary on Psalms* (Dallas, Georgia: Five Point Press, 2012), ch. 5.

by God to bring offerings to Him. This is a continuing theme in the Bible. The word "offerings" appears 265 times in the King James Version. The word "offering" appears 724 times. "Sacrifice" appears 218 times.[2] When a man comes formally into the presence of God, he is expected to bring an offering.

God is present with His people at all times, but there are times of special covenantal presence with His people. There are also special times of God's covenantal departure from His people. Both instances are times of judgment. This is why God's presence is associated with peace offerings of various kinds. Man is not to come empty-handed into the presence of the King. A man who brings no offering or a cheap offering does not really expect judgment, either positive or negative. This was God's warning to Israel through Malachi.

> Ye have wearied the LORD with your words. Yet ye say, Wherein have we wearied him? When ye say, Every one that doeth evil is good in the sight of the LORD, and he delighteth in them; or, Where is the God of judgment? Behold, I will send my messenger, and he shall prepare the way before me: and the Lord, whom ye seek, shall suddenly come to his temple, even the messenger of the covenant, whom ye delight in: behold, he shall come, saith the LORD of hosts. But who may abide the day of his coming? And who shall stand when he appeareth? For he is like a refiner's fire, and like fullers' soap: And he shall sit as a refiner and purifier of silver: and he shall purify the sons of Levi, and purge them as gold and silver, that they may offer unto the LORD an offering in righteousness. Then shall the offering of Judah and Jerusalem be pleasant unto the LORD, as in the days of old, and as in former years. And I will come near to you to judgment; and I will be a swift witness against the sorcerers, and against the adulterers, and against false swearers, and against those that oppress the hireling in his wages, the widow, and the fatherless, and that turn aside the stranger from his right, and fear not me, saith the LORD of hosts. For I am the LORD, I change not; therefore ye sons of Jacob are not consumed. Even from the days of your fathers ye are gone away from mine ordinances, and have not kept them. Return unto me, and I will return unto you, saith the LORD of hosts. But ye said, Wherein shall we return?
>
> Will a man rob God? Yet ye have robbed me. But ye say, Wherein have we robbed thee? In tithes and offerings. Ye are cursed with a curse: for ye have robbed me, even this whole nation. Bring ye all the tithes into the storehouse, that there may be meat in mine house, and prove me now herewith, saith the LORD of hosts, if I will not open you the windows of heaven, and pour you out a blessing, that there shall not be room enough to receive it. And I will rebuke the devourer for your sakes, and he shall

2. I am using the handy tallies provided by the Godspeed electronic Bible search program.

> not destroy the fruits of your ground; neither shall your vine cast her fruit before the time in the field, saith the LORD of hosts. And all nations shall call you blessed: for ye shall be a delightsome land, saith the LORD of hosts (Mal. 2:17–3:12).[3]

B. A Question of Subordination

God's intention is to gain loyalty from His subordinates. The visible sign of their continued subordination is their willingness to bring Him their tithes and offerings. But the ultimate offering is always ethical. "Will the LORD be pleased with thousands of rams, or with ten thousands of rivers of oil? shall I give my firstborn for my transgression, the fruit of my body for the sin of my soul? He hath shewed thee, O man, what is good; and what doth the LORD require of thee, but to do justly, and to love mercy, and to walk humbly with thy God?" (Micah 6:7–8). The ultimate offering is man's own life: "I beseech you therefore, brethren, by the mercies of God, that ye present your bodies a living sacrifice, holy, acceptable unto God, which is your reasonable service" (Rom. 12:1).[4]

In one sense, the sacrifices that men are required to bring are limited: the regular, disciplined tithe on all net increases. In another sense, the sacrifice is unlimited: a lifetime of perfect obedience. This points to the necessity of a substitute payment. Fallen man's gifts are insufficient to meet God's demands, and a man will destroy himself if he attempts to satisfy the perfect demands of God. No matter how hard he works, it is pointless. "But we are all as an unclean thing, and all our righteousnesses are as filthy rags; and we all do fade as a leaf; and our iniquities, like the wind, have taken us away" (Isa. 64:6). Yet at the same time, God does demand this total sacrifice. There seems to be a contradiction here, but it is resolved in history by Jesus Christ's sacrifice on Calvary, the only offering that pleases God perfectly, once and for all.

> But Christ being come an high priest of good things to come, by a greater and more perfect tabernacle, not made with hands, that is to say, not of this building; Neither by the blood of goats and calves, but by his own blood he entered in once into the holy place, having obtained eternal redemption for us. For if the blood of bulls and of goats, and the ashes of an heifer sprinkling the unclean, sanctifieth to the purifying of the flesh:

3. Gary North, *Restoration and Dominion: An Economic Commentary on the Prophets* (Dallas, Georgia: Five Point Press, 2012), ch. 33.

4. Gary North, *Cooperation and Dominion: An Economic Commentary on the Romans*, 2nd ed. (Dallas, Georgia: Five Point Press, [2000] 2012), ch. 8.

> How much more shall the blood of Christ, who through the eternal Spirit offered himself without spot to God, purge your conscience from dead works to serve the living God? And for this cause he is the mediator of the new testament, that by means of death, for the redemption of the transgressions that were under the first testament, they which are called might receive the promise of eternal inheritance (Heb. 9:11–15).

The underlying ethical reason why God does not demand total sacrifice from men is that they do not have the means of placating His wrath or meeting His demands. So, He is gracious to man. *He limits His demands on them as a testimony to His grace to them*. He calls them to slow, steady, faithful, lifetime service, and He restrains their orgies of self-justifying sacrifice that cannot be sustained emotionally or economically over a lifetime. He announced this to Israel at the beginning of their journey in the wilderness.

C. Covenant Law, Covenant Presence

God brought Moses to Mt. Sinai in the third month after He had brought the Israelites out of the land of Egypt (Ex. 19:1). He first instructed Moses to deliver His commandments and the case-law applications of these Ten Commandments to the people, and these laws fill chapters 20–23 of the Book of Exodus. The Israelites affirmed their allegiance to these laws, promising their obedience (Ex. 24:3). To seal this covenantal promise, Moses then subjected them to a rite of covenant affirmation.

> And Moses wrote all the words of the LORD, and rose up early in the morning, and builded an altar under the hill, and twelve pillars, according to the twelve tribes of Israel. And he sent young men of the children of Israel, which offered burnt offerings, and sacrificed peace offerings of oxen unto the LORD. And Moses took half of the blood, and put it in basins; and half of the blood he sprinkled on the altar. And he took the book of the covenant, and read in the audience of the people: and they said, All that the LORD hath said will we do, and be obedient. And Moses took the blood, and sprinkled it on the people, and said, Behold the blood of the covenant, which the LORD hath made with you concerning all these words (Ex. 24:4–9).

1. Covenantal Stipulations

The ethical terms of this covenant are eternal and therefore still binding on all who desire to participate in God's covenant.[5] Half the

5. Greg L. Bahnsen, *Theonomy in Christian Ethics*, 2nd ed. (Phillipsburg, New Jersey: Presbyterian & Reformed, [1977] 1984).

blood he sprinkled on the altar, and half on the people (Ex. 24:6–8). This bloody sacrifice made by Moses pointed to *the necessity of the shedding of blood as the means of gaining God's protection*, the same message that had been proclaimed ritually to the Hebrews by the blood on the doorposts on the night of the death of Egypt's firstborn.[6]

Again, God called Moses to return to the mountain. He told Moses that, once again, the people would be given His laws on tables of stone (Ex. 24:12). For six days, the glory of God shone on Mt. Sinai, and the cloud covered it. On the seventh day, God called out of the midst of the cloud to Moses, and Moses went into the cloud (Ex. 24:16–18). The symbolism should be obvious: God is transcendently distant from man for six days, imaging the original week of creation; then He calls man into His glorious presence on the seventh day, the day of the Lord. The transcendent God brings man into His presence. The day of the Lord is the archetypal day of judgment.[7]

2. Recapitulating the Creation

Meredith Kline wrote that the history of the exodus, which culminates in the building of the tabernacle, is presented to us in such a way that it brings out its character as a redemptive re-enactment of creation.[8] The building of the tabernacle was a microcosmic imitation of God's original creation week. Both were covenantal events, he said. There is a historical-literary parallelism between the original creation and the exodus re-creation.[9] In this re-creation event, the tabernacle is important as a visible manifestation of God's transcendence and also His presence in His glory-cloud. The cloud hovers over Mt. Sinai and reproduces its likeness below. "At the foot of Sinai the tabernacle appears, made according to the archetypal pattern seen on the mount, designed to be a replica of the Glory-Spirit-temple."[10]

> The earth-cosmos was made after the archetypal pattern of the Glory-Spirit referred to in Genesis 1:2 and accordingly is viewed in Scripture as a

6. Gary North, "The Marriage Supper of the Lamb," *Christianity and Civilization*, 4 (1985).

7. Christians bring sacrifices to God each Sunday on the Lord's Day: tithes and offerings. This is fitting and proper. It is a day of judgment because it is a day of the Lord's presence. But rarely do churches celebrate the Lord's Supper weekly. Why not? The presence of the Lord was manifested at his regular required feasts in Israel. Why is this not also the case in New Testament times?

8. Meredith G. Kline, *Images of the Spirit* (Grand Rapids, Michigan: Baker Book House, 1980), p. 37.

9. *Ibid.*, p. 39.

10. *Ibid.*, p. 37.

> cosmic royal residence or temple.[11] Heaven and earth were established as a holy palace of the Creator-King, with the heaven of heavens in particular corresponding to the Glory-cloud as the seat of his sovereignty.
>
> Then, preparing a place for the man-priest who was to be created, the Lord God produced in Eden a microcosmic version of his cosmic sanctuary. The garden planted there was holy ground with guardianship of its sanctity committed in turn to men and to cherubim.[12] It was the temple-garden of God,[13] the place chosen by the Glory-Spirit who hovered over creation from the beginning to be the focal site of his throne-presence among men.[14]

The tabernacle would be God's place of residence within the nation of Israel. His transcendent glory, manifested in the glory-cloud, would reside in the tabernacle. Kline continued: "Thus, in producing the tabernacle as a symbolic image of his Glory-Spirit, the Creator Lord so designed it that it also recapitulated the macrocosmic and microcosmic versions of the Glory-temple which he fashioned in the original creation. And as God crowned the finished Genesis creation with his majestic Glory over Eden, so, when the tabernacle stood complete at Sinai, the Glory-cloud covered and filled it, sealing it as an authentic likeness of the Spirit-temple (Exod. 40:34ff.), the Alpha and Omega of all creation."[15]

The first instructions that God gave to Moses after his entrance into God's glory-cloud involved the plans of the proposed tabernacle. The plans for this structure were so detailed that the written account takes up more space in Exodus (chapters 25–28) than the laws that had just been delivered to the people. Then came the detailed instructions concerning the ceremonies to be conducted in the tabernacle (chapters 29–31). Nothing else is recorded about God's instructions to Moses during the 40 days and nights that Moses spent with God on Mt. Sinai, except for God's warning to the Israelites to keep the sabbath (31:12–17).

D. Covenants and Sacrifice

The importance of sacrifice in all religion cannot be overemphasized. The sacrifices inaugurated by God in these chapters are contrasted with the sacrifice demanded by the Israelites during Moses' absence.

---

11. Rom. 13:14; I Cor. 15:53–54; II Cor. 5:2ff.; Gal. 3:27; Eph. 4:24; Col. 3:10.
12. Gen. 2:15; 3:24.
13. Isa. 51:3; Ezek. 28:13, 16, 31:9.
14. *Ibid.*, pp. 35–36.
15. *Ibid.*, p. 42.

Both paganism and orthodoxy require sacrifices from the faithful. Abel brought his sacrifice before God, and Cain brought his. God gave specific instructions to Moses concerning the kinds of sacrifices that He required, just as the people of Israel had instructed Aaron about the kind that their god required.

1. Recapitulating the Fall

The Israelites had "spoiled" the Egyptians before they left, taking with them gold and jewels that had belonged to their former masters. This had been God's gracious restoration to them of the lost capital that the Egyptians had extracted from them and their forefathers.[16] These goods offered them a new beginning economically. To this extent, the exodus was a restoration of Eden.

In Eden, God had departed from Adam and Eve for a while. During his absence, they sinned. Moses also departed, climbing the mountain of God. During Moses' initial absence, the Israelites had insisted to Aaron that they be allowed to sacrifice a portion of this wealth in order to construct gods to go before them (Ex. 32:1). Aaron used their gold to construct a calf, and the people then attributed their victory over the Egyptians to these new gods that were represented by the calf (Ex. 32:8). They re-enacted the fall of man.

It is not surprising that the Hebrews turned to the sculpture of a bull when they sought to represent polytheistic power. The Apis bull was the single most important religious animal in Egypt. The birth and death of each Apis bull were recorded in Egyptian records as faithfully as the ritual ordination and death of each Pharaoh. In fact, *only* these events were important enough in the eyes of the Egyptians to maintain in official records, dynasty after dynasty.[17] The Hebrews demonstrated by the construction of the calf that their world-and-life view was still dominated by the theology of Egypt. Though they had been delivered physically and geographically from Egypt, they had not yet been delivered spiritually. They still were under the influence of the religion of their former captors. They were still in spiritual bondage. For this reason, that first generation of the exodus did not enter the land of Canaan. They went out of Egypt, but they did not come into the promised land. They could not return to the sin-filled pseudo-garden of Egypt, just as Adam and Eve could not return to

16. Chapter 6.

17. George Rawlinson, *History of Ancient Egypt*, 2 vols. (New York: John B. Alden, 1886), II, p. 2.

the garden. Yet they refused to go forward on God's terms, so they wandered until they died.

2. The Works of Man's Hand

They had cried out to Aaron, "Up, make us gods, which shall go before us" (Ex. 32:1b). Why did they choose to worship *gods*? The calf represented the polytheistic gods of Egypt. They preferred to worship the defeated gods of their captors rather than worship the victorious God of the exodus. Had they been disciples of power as such, they would have worshipped God, but *the power religion necessarily is humanistic:* it worships only those gods that manifest themselves through man and the works of man's hand. This kind of hand-crafted god, they recognized clearly, was not the God of the Bible, who had brought judgment on Egypt despite their continual complaints and fears. He was a God who did not need their assistance or their sacrifices in order to manifest His consummate power in history. This God was not yet visibly manifested in their midst, and they were unwilling to wait for His presence—a familiar biblical theme (I Sam. 13:8–14). They had Aaron build a calf as their representative before the gods.

The Hebrews were not naive. They did not believe that the calf had delivered them. They wanted to worship an object that was symbolic of the supernatural powers that they now claimed had delivered them from the bondage of Egypt, and which supposedly communicated with men through the medium of man-created idols. Pagan religion is not the worship of sticks and stones. It is the worship of powerful occult forces that do the bidding of men, if men worship them in a rigorously prescribed manner. Man manipulates his world by manipulating these occult forces. Even the English word *man*ipulates testifies to the theology of idol worship: control is achieved manually, "by hand." This is the theology of magic: "As above, so below." Man believes that he can manipulate the creation in certain ways that force the gods of power to conform to his will. What he does on earth calls forth the man-directed power of the gods. The popular description of the occult voodoo religion is accurate: the person sticking pins into a doll. Sticking pins into a doll is a form of what is called sympathetic magic. What man does to the doll will then be reflected in what happens to the person who is represented by the doll. As below (pins in the doll), so above (power of the gods). As above (power of the gods), so below (the human victim suffers). Man calls down (or calls up) the gods to serve his purposes. He chooses ritual manipulation

rather than covenantal faithfulness as his tool of dominion. This is also the theology of modern autonomous science.[18]

E. The Creator-Creature Distinction

"As above, so below" is not simply the basis of the power religion, both magic and science; it is also the basis of cause and effect in biblical religion. The error of power religion is to assume that the link is metaphysical rather than covenantal, that the link is based on a chain of being among the gods, man, and the creation.

1. A Legal Hierarchy

The Bible rejects all versions of the religion of the chain of being.[19] The Creator-creature distinction is absolute. As Van Til says, "The entire Christian theistic position stands or falls with the concept of the nature of the relation of God to man."[20] "The idea of creation makes a distinction of being between God and man. Anyone holding to the idea of creation (we speak of temporal and not of logical creation) must also hold to the idea of a God who existed apart from the world and had meaning for himself apart from the world.... If theism is

18. Prior to the 1920s, Western scientists believed that the forces put into the service of man were strictly impersonal. A specially trained priesthood—pure scientists and technologists—was seen as the source of access to these generally unknown powers. The priesthood has not changed, but the theology has shifted. Something far closer to ancient magic now dominates modern thought. The sharp distinction between subject and object, between man and his environment, has become blurred. Simultaneously, man has become more impersonal, while the external world around us has become far more personal, a reflection of man, and even the creation of man. Does this mean that modern humanist thought teaches that it is actually man who creates the orderliness of nature? Increasingly, this is exactly what is being said. Timothy Ferris wrote of Sir Arthur Eddington, the brilliant British astronomer of the early twentieth century: "Eddington believed the laws of nature reside within our minds, are created not by the cosmos but by our perceptions of it, so that a visitor from another planet could deduce all our science simply by analyzing how our brains are wired. In Eddington's view, we know physical laws *a priori*, as [Immanuel] Kant maintained, although where Kant conceived part of our *a priori* knowledge as inborn, Eddington felt it was derived from experience in observation and reasoning." Ferris, *The Red Limit: The Search for the Edge of the Universe* (New York: William Morrow, 1977), p. 116. This is radical subjectivism, an obvious development of consistent humanism. See Gary North, *Is the World Running Down? Crisis in the Christian Worldview* (Tyler, Texas: Institute for Christian Economics, 1988), ch. 2.

19. Ray R. Sutton, *That You May Prosper: Dominion By Covenant*, 2nd ed. (Tyler, Texas: Institute for Christian Economics, [1987] 1992), pp. 33–39.

20. Cornelius Van Til, *A Survey of Christian Epistemology*, vol. II of In *Defense of Biblical Christianity* (den Dulk Foundation, 1969), p. 16.

right, all things are at bottom two, and not one."[21] God is not man, nor is God part of the creation.

The link between the two realms, natural and supernatural, is the covenant. Christ told the disciples to pray: "Thy kingdom come. Thy will be done in earth, as it is in heaven" (Matt. 6:10). The will of God, as revealed in His covenant law, is the standard of what should take place both above and below. Christ also told Peter, after Peter's confession of Jesus as the Son of God: "And I will give unto thee the keys of the kingdom of heaven: and whatsoever thou shalt bind on earth shall be bound in heaven: and whatsoever thou shalt loose on earth shall be loosed in heaven" (Matt. 16:19). It is the law of God which binds and looses; the keys of the kingdom are biblical law.[22] Men in their capacity as ordained officers, as God's representative covenantal agents, declare His law and enforce it. The will of God, not the will of man, is absolute. This is why the Creator-creature distinction must be at the foundation of all Christian philosophy, for without it, the chain-of-being theology of autonomous man undermines the revelation of God to man and the law of God for man. As Van Til wrote:

> The Christian position maintains that man, as a creature of God, naturally would have to inquire of God what is right and wrong. Originally God spoke to man directly and man could speak to God directly. Since the entrance of sin man has to speak to God mediately. He has now to learn from Scriptures what is the acceptable will of God for him. In opposition to this the non-Christian position holds that man does not need Scripture as a final authority. And this is maintained because the non-Christian does not believe that man ever needed to be absolutely obedient to God. Non-Christian ethics maintains that it is of the nature of the ethical life that man must, in the last analysis, decide for himself what is right and what is wrong.[23]

2. Broken Tablets, Broken Covenant

Moses' dramatic response to the Hebrews' public affirmation of magical power religion—his response of symbolic ritual—was to break the stone tablets that had been delivered to him by God. These inscribed tablets were not the product of man's hand. God, not Moses, had written His ten laws on the tablets (Ex. 31:18). These laws

21. *Ibid.*, pp. 18, 19.

22. R. J. Rushdoony, *The Institutes of Biblical Law* (Nutley, New Jersey: Craig Press, 1973), p. 619.

23. Cornelius Van Til, *Christian Theistic Ethics*, vol. III of *In Defense of Biblical Christianity* (Phillipsburg, New Jersey: Presbyterian & Reformed, 1980), p. 33.

set forth the basis of God's cooperation with man, a set of *ethical principles rather than prescribed rituals*. The ethical bond was based on a personal covenant between God and His people, a *law-covenant*. Moses destroyed the tablets as a ritual response to the people because they had broken the ethical covenant (Ex. 19) by their rebellious ritual response to God. They had chosen to worship a god of their own hands. Moses demonstrated ritually what this really meant: their breaking of the covenant of God the Cosmic Potter, who makes man as a potter forms the clay. They were not willing to acknowledge, as Isaiah later acknowledged: "But now, O LORD, thou art our father; we are the clay, and thou our potter; and we all are the work of thy hand" (Isa. 64:8). God then smashes the rebellious clay in judgment: "Behold, ye are of nothing, and your work of nought: an abomination is he that chooseth you. I have raised up one from the north, and he shall come: from the rising of the sun shall he call upon my name: and he shall come upon princes as upon morter, and as the potter treadeth the clay" (Isa. 41:24–5).

To dramatize the inevitable judgment of God, Moses then conducted another ritual—from a strictly economic standpoint, probably the most graphic ritual ever recorded in the Bible. He burned the calf in the fire, smashed its remains to powder, put the powder in water, and then commanded the people to drink the water (32:20).[24] Biological processes then took over to produce the final, graphic, and memorable ritual disposal of the religious symbol that had consumed so much of their capital. They saw their capital go down the proverbial drain.

The people had demanded their right to sacrifice part of their wealth to the god of their own hands. The calf had been made quickly by amateur craftsmen working under Aaron, and had been put into immediate service. They sacrificed joyfully, participating in sexual debauchery (Ex. 32:25) as a religious affirmation of their faithfulness to the gods of the chaos festival, the gods of cosmic renewal through ritual lawlessness.[25] These were the gods that were familiar to them, polytheistic gods like those of Egypt, from which they had been de-

24. This was equivalent to the ordeal of jealousy which was required in the Old Testament when a husband brought a charge of adultery against his wife (Num. 5:11–31).

25. Roger Caillois, *Man and the Sacred* (Glencoe, Illinois: The Free Press, 1959), p. 164. Cf. Thorkild Jacobsen, "Mesopotamia: The Function of the State," in H. and H. A. Frankfort, *et al., The Intellectual Adventure of Ancient Man: An Essay on Speculative Thought in the Ancient Near East* (Chicago: University of Chicago Press, [1946] 1977), pp. 198–201.

livered, and also like those of Canaan, which they believed was about to be delivered into their hands. *Here were gods that demanded sacrifice and ritual, but not ethical regeneration*. Here were gods of their hearts and hands.

3. Pyramid and Tabernacle

In contrast to the calf that had been crafted by amateurs, with its religion of professional debauchery, God's tabernacle was detailed and magnificent, yet portable. It moved with the people because God moved before the people, guiding them. To build it, the people had to dig deeply once again into what remained of their treasure. It was to be a voluntary sacrifice. They responded enthusiastically (Ex. 35:21–22, 29). The craftswomen contributed the best that they had (35:25–26). Bezaleel, a craftsman, was given special knowledge from God to master the arts (35:31), as well as a special gift of teaching (35:34). He and Aholiab, who also had been given the gift of teaching, became the contractors who directed the building of the tabernacle (35:30–34). God imparted special skills to those who assisted them (35:35). The people brought in their offerings daily (36:3). In fact, they continued to bring in so much that there was an overflow of materials (36:5). Moses had to tell them to cease their labors and to stop bringing in their handicrafts (36:6–7).

A very different structure is the Cheops pyramid of Giza in Egypt. It remains an architectural and technological wonder. It is the last surviving edifice of the seven wonders of the ancient world. Scholars have studied it in great detail. There is even a school of arcane knowledge called "pyramidology," which attempts to find in its dimensions prophetic truths.[26]

No one knows how it was built, but the usual estimate is that 100,000 slaves and 40,000 skilled craftsmen had to work on it for 20 years.[27] Not only is the pyramid a technological wonder—we still have no clear idea of how it was built—it is a mathematical wonder. This has been recognized by Western scholars for over a century. John Taylor, editor of the *London Observer*, and a gifted mathematician, began playing with the measurements of the Great pyramid reported by Col. Richard Howard-Vyse. This was in the 1850s. Taylor asked why only

26. How it supposedly can do this by means of different measuring systems is indeed a wonder.

27. Peter Tomkins, *Secrets of the Great Pyramid* (New York: Harper Colophon, [1971] 1978), pp. 227–28. The figure of 20 years comes from Herodotus.

this pyramid had the angle of 51 degrees and 51 minutes. He found that each of the Pyramid's four faces had the area of the square of its height.[28] No other pyramid was so constructed. Then he discovered that if he divided the perimeter of the Pyramid by twice its height, it gave him a quotient of 3.144, which is very close to *pi*: 3.14159+. Peter Tomkins remarked in a footnote that not until the sixth century A.D. was *pi* correctly worked out to the fourth decimal point by a Hindu scholar, Arya-Bhata.[29]

This was only the beginning. He concluded that the yramid was a representation of the earth, with the perimeter as the circumference at the equator and the height as the distance from the earth's center to the pole. But what unit of measurement could they have used? He looked for a unit that would retain the *pi* proportion and fit the pyramid in whole numbers.

> When he came to 366.116.5 he was struck by the similarity of 366 to the number of days in the year and wondered if the Egyptians might have intentionally divided the perimeter of the Pyramid into units of the solar year.
>
> He then noticed that if he converted the perimeter into inches, it came very nearly to 100 times 366. Also he was surprised to see that if he divided the base by 25 inches, he obtained the same 366 result. Could the ancient Egyptians have used a unit so close to the British inch? And a cubit of 25 such inches?[30]

At the same time, the famed astronomer Sir John Herschel had postulated a unit of measurement half a hair's breadth longer than a British inch as the only sensible earth-commensurable unit based on the actual size of the earth. He was critical of the French meter derived from a curved meridian of the earth because of its erratic and variable nature from country to country because the earth is not a true sphere. Each meridian of longitude would be different. (One wonders if this may have been a bit of intellectual British imperialism, a reaction against the revolutionary French with their far more easily computed units of tenths, hundredths, and thousandths.) Herschel argued that the only reliable basis of a standard of measure is the polar axis of the earth—a straight line from pole to pole—which a recent British ordi-

28. This fact later led to the discovery that the Pyramid was designed to incorporate not only *pi* but also the so-called Golden Section, or *phi*, or 1.618. *Phi* + 1 = *phi* square. Also, 1 + 1/*phi* leads to the additive series known as the Fibonacci series. *Ibid*., pp. 190, 192. They had also figured out the relation between *pi* and *phi*: *pi* = *phi* × 6/5. *Ibid*., p. 194.

29. *Ibid*., p. 71n.

30. *Ibid*., p. 72.

nance survey had set at 7898.78 miles, or 500,500,000 British inches, or an even 500 million inches if the unit was half a hair's breadth longer.[31] (Do we all have equally wide hairs?)

So what? Fifty of such modified inches would make a yard exactly one ten-millionth of the polar axis, and half that measure would make a useful cubit. This was the unit that Taylor had found to fit the Pyramid in multiples of 366. "To Taylor the inference was clear: the ancient Egyptians must have had a system of measurements based on the true spherical dimensions of the planet, which used a unit which was within a thousandth part of being equal to a British inch."[32]

These studies were followed by Charles Piazzi Smyth, the Astronomer Royal of Scotland, who went to Egypt, made many detailed measurements, and concluded that the Egyptians had computed *pi* down to 3.14159.[33]

Studies by British engineer David Davidson in the 1920s and 1930s revealed that the Pyramid measures all three types of the calendar year: solar, sidereal (star), and anomalistic (orbital-perihelion).[34]

The base of the Pyramid corresponds to the distance the earth rotates in half a second at the equator.[35]

The priests could have measured the length of the solar year within a minute, or four points of a decimal.[36]

I could go on, but it is not necessary. The Egyptian priests and architects were masters of mathematics and geography to a degree unknown in the textbooks. Why did they go to such an effort in building the Cheops pyramid? Because the Cheops pyramid served them well. It was a measuring device as well as a symbol of their mastery of science. But it no doubt also served them as a giant talisman. It was a microcosm of the earth. Magic proclaims: "As above, so below." Here was a device for initiations, for manipulating the world.

In contrast to the pyramid stands—although it no longer stands—the tabernacle, and later the temple. The tabernacle did not rely on sophisticated measurements to put man in contact with cosmic forces. God's law did that, written on tablets at the center of the tabernacle and therefore at the center of society. God's presence with men was not based on their ability to reproduce His world in a model. His

31. *Ibid.*, p. 73.
32. *Ibid.*, p. 74.
33. *Ibid.*, p. 90.
34. *Ibid.*, p. 111.
35. *Ibid.*, p. 210.
36. *Ibid.*, p. 161.

presence or absence was established by their covenantal faithfulness. It was the law that was crucial, not measurements in stone. It was man's heart of stone that was his problem, not the design of the tabernacle. The temple no longer stands because God destroyed it when it no longer served His covenantal purposes. He would not tolerate those who treated His temple as a talisman.

> Thus saith the LORD of hosts, the God of Israel, Amend your ways and your doings, and I will cause you to dwell in this place. Trust ye not in lying words, saying, The temple of the LORD, The temple of the LORD, The temple of the LORD, are these. For if ye throughly amend your ways and your doings; if ye throughly execute judgment between a man and his neighbour; If ye oppress not the stranger, the fatherless, and the widow, and shed not innocent blood in this place, neither walk after other gods to your hurt: Then will I cause you to dwell in this place, in the land that I gave to your fathers, for ever and ever (Jer. 7:3–7).

The Renaissance, with its fatal attraction to magic, misunderstood this. Frances Yates, who more than anyone else opened this academically closed door of the Renaissance,[37] noted that Isaac Newton, a dedicated alchemist, was fascinated with Solomon's temple. She said that he was "determined to unravel the exact plan and proportions of the Temple of Solomon. This was another Renaissance interest; the plan of the temple, laid down by God himself, was believed to reflect the divine plan of the universe. For Renaissance scholars, the theory of classical architecture was believed to derive from the Temple and, like it, to reflect the world in human proportions."[38] Newton even sketched the temple's dimensions.[39]

The Renaissance was treating the temple as if it were the Great Pyramid. It was not. The religion of the Bible is covenantal and ethical, not metaphysical and magical. God is not to be manipulated; He is to be obeyed.

F. Man's Need of Limits

Limits were placed by God on their sacrifices. Moses did not ask them to bring in all of their capital in a wave of sacrificial giving, despite their sin in building the calf. Their giving was voluntary, meaning *be-*

37. Frances A. Yates, *Giordano Bruno and the Hermetic Tradition* (New York: Vintage, [1964] 1969).

38. Frances A. Yates, *Ideas and Ideals in the North European Renaissance*, vol. III of *Collected Essays*, 3 vols. (London: Methuen, 1984), p. 270.

39. Frank E. Manuel, *Isaac Newton, Historian* (Cambridge, Massachusetts: Harvard University Press, 1963), plate facing p. 148.

yond the mandatory tithe. These were what Protestants call "gifts and offerings." So powerful was the motivation for sacrificial giving that the people had to be restrained. They were not to make the same mistake again: believing that the work of their hands could save them from the wrath of God, believing that the greater their giving, the less the wrath. Furthermore, they were to preserve capital for future productive uses.

1. Sacrificing to Gods

Men need to sacrifice to their gods. They insist on it. Their sacrifice links them to a source of power. But God warns men that He is not so concerned about men's material sacrifices; instead, He is concerned about justice, humility, and mercy (Deut. 10:12; I Sam. 15:22; Micah 6:8). He desires the sacrifice of a contrite heart: "For thou desirest not sacrifice; else would I give it: thou delightest not in burnt offering. The sacrifices of God are a broken spirit: a broken and a contrite heart, O God, thou wilt not despise" (Ps. 51:16–17). Only on these terms are burnt offerings acceptable to God. God grants wealth and power, not in terms of ritualistic precision, but in terms of conformity to an ethical law-order (Deut. 8). Righteousness is more important than ritual (II Chron. 30:13–20).

Early Protestantism, especially Puritan and Anabaptist Protestantism, criticized the cathedral builders. They argued that the money spent on cathedrals should have been given to the poor, or used for other purposes. As it has turned out historically, the great cathedrals have become tourist attractions, as the Christian faith of the public has waned. But these magnificent structures still stand as testimonies to the dedication, skill, and sacrifices of men for their God. The cathedrals reflect the builders' and worshippers' conception of the authority and majesty of God. The long-run perspective of the builders is still evident: they expected their work to survive. They expected it to glorify God for centuries. This long-run perspective is an important aspect of serious Christian faith. Men's time perspective is reflected in their architecture.[40] So is their view of God.[41]

40. The cathedral becomes a pyramid rather than a home for God if the faith of the builders has been transferred to another god. The cathedrals of Europe have become tourist attractions. The enormous, unfinished Episcopalian pyramid, the Church of St. John the Divine, is still being built in New York City after a century of labor and fund-raising. Meanwhile, the Harlem ghetto has moved almost to its borders, and it is unsafe to visit it at night.

41. Little that is orthodox remains in today's mainline Anglican and Roman Catholic churches, even in their liturgies, although there are pockets of orthodoxy. Nevertheless, their cathedrals have survived. What visible token remains of Cromwell's reign? A

2. Sacrificing to the State

Modern man worships the political order as the source of power and meaning. He shares this perspective with ancient man, both classical and Near Eastern.[42] Throughout the West, ever since the days of World War I, men have willingly sacrificed their capital, their lives, and their futures to the messianic state, whether democratic, fascist, or Communist. Like God, the State loves a cheerful giver. Unlike God, the statist managers do not tell the people to cease sacrificing when they have given too much. *God limits the sacrifices that men are required to offer to any human, earthly institution*. God, not institutions, is wholly sovereign. The sacrifice of Jesus Christ was the only sacrifice sufficient to meet God's ethical requirements. Man and his institutions are limited. But the modern salvationist political order places no limits on men's sacrifices, for it places no limits on its own sovereignty.

The universal grumbling about taxes that has shaken the revenue structures of every Western, industrial nation since 1970 (or earlier, in the case of European nations) indicates that men are increasingly distrustful about their god, the modern state. *A growing tax revolt indicates that a shift in faith is in progress*. Socialist humanism is cracking under the strain of increased spending on poverty programs and military hardware, as well as high unemployment and slower economic growth. The old statist faith is dying. Middle-class voters are at long last becoming aware that they have become the sacrificial lambs, not the elusive rich they sought for three or four generations to sacrifice on the altar of envy. They are still humanists, and their faith in individualism is inconsistent, but the ideological pendulum has unquestionably shifted away from the almost unquestioned monotheism of the State toward the mixed polytheism of hedonistic individualism and compulsory retirement subsidies.

Conclusion

Men want to sacrifice to something or some power higher than themselves. This act of sacrifice re-establishes their faith in some sort of cosmic order. The modern world has generally abandoned faith in a cosmic order, but it has affirmed faith in a man-directed earthly order.

---

creed: the Westminster Confession of Faith. Almost nothing visible remains of Puritanism; its legacy was almost entirely ideological and theological.

42. R. J. Rushdoony, *The One and the Many: Studies in the Philosophy of Order and Ultimacy* (Vallecito, California: Ross House, [1971] 2007), chaps. 3–5.

Thus, the most powerful agency of man, the state, has become the focus of modern man's sacrifice.

Man worships the creation of his own hands, just as Israel did in the wilderness rebellion. Men believe that they must sacrifice to mankind. Some men do this for profit by serving consumers on a free market. Others serve the state. Others serve some other human institution. But the point is, they attempt to offer themselves as a living sacrifice (Rom. 12:1) to the gods of their choice.

God limits such sacrifice. A person is supposed to present himself as a living sacrifice to God, for God owns him and everything else (Ps. 50:10).[43] He owes God everything. In baptism, man places himself and everything he owns at God's disposal. But then God returns 90% of whatever is offered. He keeps the tithe as a symbolic token of man's subordination. This is offered to Him through His monopolistic covenantal institution, the church. God limits men's required sacrifices. Men in general cannot be trusted to make such sacrifices, for they make them only to gods of their own hands and imaginations. Thus, God's Old Testament law of sacrifice required only the tithe and three feasts. Today, God requires only the tithe.

Those who deny this formal limit have two motives: (1) to place man under unbearable guilt for not having given enough—"the better to control you with, my dear"—and (2) to escape the sense of personal guilt when they fail to pay what they owe. *By refusing to honor the tithe as a minimum required sacrifice, antinomians place man under an open-ended maximum*. This is a denial of man's fallen condition. It is also a denial of man's creaturehood. It is a re-enactment of the golden calf incident.

Men are growing weary of the economics of perpetual sacrifice to the state at payment levels far above anything God has required. Today, all men pay at least 40% of their income to various branches of civil government—double the extraction imposed by ancient Egypt (Gen. 47:24–26), the most bureaucratic tyranny of the ancient world. But men must believe in a god, a source of power and meaning. They need to sacrifice to a god. What will they sacrifice next? And to which god? The answers to these two questions will determine the next phase of the history of Western civilization.

43. North, *Confidence and Dominion*, ch. 10.

57

THE ECONOMICS OF THE TABERNACLE

And let them make me a sanctuary; that I may dwell among them. Accordingly to all that I shew thee, after the pattern of the tabernacle, and the pattern of all the instruments thereof, even so shall ye make it.

EXODUS 25:8–9

The theocentric focus of this passage is God, the sanctions-bringer: point four of the biblical covenant.[1]

God had promised to provide Israel with a sanctuary, the land of Canaan. This sanctuary would be both geographical and covenantal, an identifiable location where His covenant would be the law of the land. God first required them to build Him a place to serve as His personal sanctuary, which would be physical, transportable, and covenantal. In this tabernacle, God would meet with them in judgment. He would reward or curse them. Without covenant renewal, they could not expect to gain His blessing, yet with covenant renewal, they risked His wrath.

The tabernacle has been a familiar sermon topic for over a century in American fundamentalist circles. This theme allows a preacher to fulfill his annual quota of Old Testament messages without ever coming to grips with the comprehensive ethical and social requirements of Old Testament law. The tabernacle offers seemingly endless opportunities for allegorizing, spiritualizing, internalizing, and discovering secret meanings—all pointing to "great prophetic truths." The tabernacle is a popular sermon topic, but only to the extent that the spe-

1. Ray R. Sutton, *That You May Prosper: Dominion By Covenant*, 2nd ed. (Tyler, Texas: Institute for Christian Economics, [1987] 1992), ch. 4. Gary North, *Unconditional Surrender: God's Program for Victory*, 5th ed. (Powder Springs, Georgia: American Vision, 2010), ch. 4.

cific applications of the sermon's message can be reduced to cultural irrelevance in New Testament times.

A. The Tabernacle as the Place of Judgment

What preachers seldom mention is that the tabernacle was a place where the people came to God to receive judgment: blessing or cursing. God's judgment was handed down in terms of the people's covenantal faithfulness to the revealed Bible-laws of God. Three times a year the citizens of Israel were required to come before God and offer sacrifices (Ex. 23:14–19). This meant that they had to face God in judgment, as individuals and as a nation. *The tabernacle was God's place of judgment and sanctions in history*. To preach on the tabernacle is therefore risky business, for it leads straight to the doctrine of the covenant, with its five doctrines that so alienate modern evangelicalism: the absolute sovereignty of a predestinating God; the three hierarchical appeals courts: church, state, and family; the Bible-revealed law of God that is supposed to govern the decisions of the judges of all three courts; God's sanctions in history; and the disinheritance of covenant-breakers and the inheritance of covenant-keepers in history. This also raises the question of the Lord's Supper as the church's covenant-renewing event that brings people into the presence of God to receive His judgments in history.[2]

1. Tabernacle Sermons

The goal of modern sermons on the tabernacle is to make judicially irrelevant everything associated with the tabernacle in New Testament times. The discontinuity of the cross has supposedly made the tabernacle irrelevant today. As a building, this is unquestionably true, but this was true in Moses' day, too. The building was symbolic; what it symbolized was crucial. What it symbolized was Jesus Christ as the coming Judge in history. "But Christ being come an high priest of good things to come, by a greater and more perfect tabernacle, not made with hands, that is to say, not of this building; Neither by the blood of goats and calves, but by his own blood he entered in once into the holy place, having obtained eternal redemption for us" (Heb. 9:11–12). Thus, every sermon on the tabernacle is supposed to point to the relevance of *Christ as Judge today*.

Judgments in New Testament history? Ethical cause and effect in

2. *Ibid*., pp. 304–13.

New Testament history? Covenantal sanctions in New Testament history? The authority of biblical law in New Testament history? Such thoughts are not pleasant to shepherds who have denied all of this throughout their careers. They have dedicated their lives to the principle that Old Covenant history, with all its visible judgments, no longer operates today. The tabernacle is supposed to become a principle of the church's cultural irrelevance today, for ours is a world supposedly devoid of visible judgments based on covenantal cause and effect.

2. Kline as the Archetype

Professor Meredith Kline was representative of this ethereal approach to the tabernacle. Unlike the average pastor, he had the footnotes to prove that he had studied the tabernacle in depth, which he displayed in his book *Images of the Spirit* (1980). Even earlier, in his *Structure of Biblical Authority* (1975), he argued that there is an architectural aspect of the Bible. The building of God's house, he said, "comes to the fore in the Book of Exodus." House-building is also a familiar theme in the Canaanitic epic poem, *Enuna Elish*, he added.[3] First, God structured the people of Israel into His house by means of His covenant words spoken at Mt. Sinai. Then God told them to build Him a house. "Though a more literal house than the living house of Israel, the tabernacle-house was designed to function as symbolical of the other; the kingdom-people house was the true residence of God (a concept more fully explored and spiritualized in the New Testament)."[4] Spiritualized indeed!

Kline devoted his academic career to two primary tasks: (1) exploring in great detail the covenantal evidence and implications in the Old Testament; and (2) doing whatever possible to persuade his readers that God has abandoned these implications in the New Testament.[5] He insisted that any New Testament connection between visible blessings and covenant-keeping is, humanly speaking, random. "And meanwhile it [the common grace order] must run its course within the uncertainties of the mutually conditioning principles of common grace and common curse, prosperity and adversity being experienced in a manner largely unpredictable because of the inscru-

3. Meredith G. Kline, *The Structure of Biblical Authority,* 2nd ed. (Grand Rapids, Michigan: Eerdmans, 1975), p. 79.

4. *Ibid*., p. 80.

5. Sutton, *That You May Prosper*, Appendix 7: "Meredith G. Kline: Yes and No."

table sovereignty of the divine will that dispenses them in mysterious ways."[6] Largely unpredictable? Dr. Kline obviously never considered just why it is that life insurance premiums and health insurance premiums are cheaper in Christianity-influenced societies than in pagan societies. Apparently, the blessings of long life that are promised in the Bible are sufficiently non-random and predictable that statisticians who advise insurance companies can detect statistically relevant differences between societies.

Kline was arguing that the testimony of God's covenant law and covenant sanctions in history was scrapped by God after Christ's resurrection from the dead. The visible sanctions of God do not operate in New Testament times. Ethical cause and effect in today's culture is random. *Christianity is therefore culturally irrelevant and progressively impotent*. The fact is, Kline's assertion that visible events are covenantally random is a smokescreen that covers up his pessimistic eschatological views. What he really believed was that things will get worse for the church as time goes on. Ethical cause and effect in New Testament history is not merely random; it is positively perverse. This conclusion is basic to Kline's amillennial eschatology.[7] Once again, we see that eschatological neutrality is impossible.

It should be clear that the tabernacle was not culturally irrelevant or impotent in its day. It was basic to the religious life of Israel for almost half a millennium, until Solomon built the temple, 480 years after the Hebrews came out of Egypt (I Kings 6:1). The tabernacle was the resting place of the Ark of the Covenant, which contained the tablets of the law (Ex. 25:10–22). God appeared at the tabernacle in the form of a cloud-pillar (Ex. 33:9–10; Num. 12:5; Deut. 31:15). The tabernacle was filled with gold, silver, jewels, and the finest artistic accomplishments of the people. It symbolized the majesty of the supernatural King who was in their midst.[8]

B. A Symbol of Covenantal Continuity

These pilgrims in the wilderness were given a symbol of the presence of God—a fundamental aspect of the biblical covenant.[9] They had

6. Meredith G. Kline, "Comments on an Old-New Error," *Westminster Theological Journal*, XLI (Fall 1978), p. 184.

7. Gary North, *Political Polytheism: The Myth of Pluralism* (Tyler, Texas: Institute for Christian Economics, 1989), ch. 3.

8. Meredith G. Kline, *Images of the Spirit* (Grand Rapids, Michigan: Baker Book House, 1980), pp. 35–42.

9. Sutton, *That You May Prosper*, ch. 1.

a stake in a covenantal society. The tabernacle gave them *a place of sacrifice*. God is master of the universe, and men must acknowledge their subordination to Him through sacrifice.[10] The animal sacrifices would take place at a particular place. The tabernacle could therefore serve as a focus for the community's *sense of order and permanence*. The tribes would be drawn together, overcoming the potential fragmentation of tribal society.

1. Symbol of Permanence

The tabernacle was also a symbol of permanence, but only for as long as they honored the ethical terms of the covenant. While the building itself was portable, the ornaments were permanent and could be used by future generations in the promised land. The very portability of the tabernacle testified against the quest for man-made permanence—the kind of hoped-for stability that was reflected in Egypt's pyramids. *Permanence is ultimately covenantal, and therefore is governed by the ethical terms of the covenant*.[11] Permanence is mythical unless it is God-centered.

The tabernacle was evidence that they were pilgrims—people journeying toward a final destination—rather than nomads wandering in a circle. The Israelites never were nomads. Liberal theologians often refuse to accept this. The oft-repeated claim by liberal theologians that the Israelites were nomads is basic to most liberal studies of ancient Israel. Typical is Hans Jochen Boecker's statement: "The Israelites came basically from the eastern or southeastern and southern steppe countries and penetrated the cultivated areas of Palestine. They were not originally inhabitants of cultivated land; they were nomads, and their legal arrangements were typical of nomads."[12] He offered no evidence of these nomadic legal arrangements, for no such evidence exists. He went on to say that "Unlike the CH [Code Hammurabi], for example, the OT laws are still strongly marked by the nomadic view of property, which is characterised by being centered on the group rather than on the individual and so pays less attention to the property of the individual."[13] The less intelligent liberal can then defend his antinomian rejection of Old Testament law by saying

10. *Ibid*., ch. 2.
11. *Ibid*., ch. 3.
12. Hans Jochen Boecker, *Law and the Administration of Justice in the Old Testament and Ancient East*, trans. Jeremy Moiser (Minnesota, Minneapolis: Augsburg, [1976] 1980), p. 28.
13. *Ibid*., p. 167.

that Israel's law was nomadic, having nothing to do with the modern world. The more clever liberal is less direct in his defense of antinomianism. He can argue that the non-nomadic character of biblical law testifies to a much later date of the authorship of the Pentateuch, thereby denying the Mosaic authorship and calling into question the continuing authority of everything in it, including the law.[14]

2. An Eschatology of Victory

The people's economic contributions in constructing the tabernacle served as a ritual means for them to testify to an eschatology of victory. First, their craftsmanship was an affirmation of permanence. Second, their labor on the tabernacle was an affirmation of history. Each man's contribution would be seen by later generations and be appreciated, so long as the community retained its covenantal faithfulness to God. Those who would come later would look back and be thankful to those who had gone before. Finally, the tabernacle would replace the places of worship in the various cities of Canaan. The Canaanites would surely be defeated—an affirmation of the coming military conquest of Canaan. God would bring judgment against their enemies. This pointed to God as cosmic Judge, the fourth aspect of the biblical covenant.[15]

The tabernacle was important in reinforcing the doctrine of the covenant. This covenant joined the tribes together into one people. The covenant also extended through time, linking the fathers in the wilderness with the sons who would occupy the promised land. The covenant meant *continuity over time*, point five of the biblical covenant,[16] and the tabernacle symbolized this future-orientation.

The importance of symbols for society should not be disregarded. Symbols will always exist; the issue is not "symbols vs. no symbols"; rather it is a question of *which* symbols and *whose* symbols. Symbols are an inescapable concept, whether linguistic, musical, architectural, or whatever. Men need to sacrifice something of value in order to

14. Boecker cited Max Weber and a 1927 book by A. Jepsen, both of whom denied any significant nomadic influence in Old Testament law. *Ibid.*, pp. 141–43. Boecker never clearly stated which view of "Israelite nomadism" he held, pro or con, which is typical of someone who has read far more than he can digest intellectually—to the extent that liberal Old Testament studies can be digested intellectually at all. Generally, they are fit only for ingestion and rapid regurgitation in doctoral dissertations and journal articles. It never ceases to amaze me how readily liberal theologians return to their regurgitations.

15. Sutton, *That You May Prosper*, ch. 4.

16. *Ibid.*, ch. 5.

affirm their deeply felt commitments. Men do not choose wedding rings made of iron or brass to give to their wives. If they are committed to orthodox worship, they should prefer beautiful buildings to churches that resemble large shoe boxes.

C. Architecture and Culture

Architecture is closely linked to culture. The tabernacle revealed the centrality of the covenant in Hebrew culture. It was in terms of their confidence in this covenant that they subsequently constructed the other institutions of godly culture. The Israelites began with the tabernacle, for it was the place of God's special judicial presence.

In New Testament times, there is no need to build just one majestic structure as a central point of cultural focus. Ever since the time of Christ's resurrection, the law has been written on the hearts of the faithful (Heb. 8:10; 10:16–18). People no longer need to journey to Jerusalem in order to worship; they worship the Father in spirit and in truth (John 4:23). The law is not written on stone tablets, nor do copies rest in the Ark of the Covenant. There has been a permanent *decentralization of authority, worship, and culture* in New Testament times.

1. Protestant Decentralization

This requirement of ecclesiastical decentralization in the New Testament era was recognized by Protestants of the sixteenth century, but they did not fully comprehend the importance of the tabernacle principle for the emotional and spiritual life of the families that built churches in local communities. They did not understand how fundamental to every culture is an economics of sacrifice. Men need to affirm and symbolize the permanence of their religious vision of the present and its links to the future.

One of the problems with Protestant architecture during the Reformation was the denial by Protestant leaders of the legitimacy of the cathedrals of Europe. The reformers often displayed a self-conscious rejection of the legitimacy of architectural beauty and community economic sacrifice. The drab surroundings of the Protestant churches, especially in the seventeenth century, denied the eschatology of victory held by many of them. The need for sacrifice was sublimated and transferred to business concerns, charity, and affairs external to the affairs of the institutional churches. This led to historically unprecedented economic growth, but also to social and political instability. The brief reign of Oliver Cromwell, after all, was followed

by the restoration to the English throne of Charles II, not by some Puritan republic. Economic growth continued to disrupt traditional social class relationships in Puritan New England.[17]

The economic and geographical mobility of modern capitalist society has also worked against the classical ideal of aesthetic permanence. A cathedral is very expensive. If it is constructed in a central city, it will soon find itself surrounded by very a different economic and social environment. A cathedral could be constructed in some distant rural region, but that would not serve the needs of worshippers. Any site within a two-hours' drive or train ride from a central city could become surrounded by urban decay within two generations.[18] In this sense, the modern world has become a tabernacle society rather than a temple society. Cathedrals are not designed, as the tabernacle was, as a prefabricated mobile construction project.

2. Regional Splendor

The church is both local and international. It is tied to local historical circumstances at any stage in history, yet it is always international because it is linked to eternity. There is a tendency within Protestantism to ignore the international and eternal aspects of the church. Protestant pastors often enjoy building large, fancy places of worship, for these testify to the influence of the pastor as a builder. Seldom do these churches reflect long-lasting architectural standards. Architects display little concern with architectural manifestations of the church as a force to be reckoned with over long periods of time at every level of society. Too often the architects selected by churches are deeply humanistic and governed by aesthetic standards that are openly rebellious against beauty. They are committed to an architecture of self-conscious ugliness.[19] Beauty is far more objective than something in the eye of the human beholder; beauty is in the eye of the Cosmic Beholder. Architects symbolically deny the Cosmic Beholder by rebelling against all permanent standards of beauty.

Because of the fragmenting of religious denominations, the eco-

17. Gary North, "From Medieval Economics to Indecisive Pietism: Second-Generation Preaching in New England, 1661–1690," *Journal of Christian Reconstruction*, VI (Summer 1979), pp. 144–50: "Status and Social Mobility." North, "From Covenant to Contract: Pietism and Secularism in Puritan New England, 1691–1720," *ibid.*, VI (Winter 1979–80), pp. 175–77. For a summary, see Gary North, *Puritan Economic Experiments* (Tyler, Texas: Institute for Christian Economics, 1988), pp. 50–54.

18. This is exactly what happened to the most grandiose of all American cathedral projects, the Episcopalians' Church of St. John the Divine in New York City.

19. Tom Wolfe, *From Bauhaus to Our House* (New York: Farrar Straus Giroux, 1981).

nomic resources necessary for constructing great cathedral and not appear in the twentieth century. The large mainline denominations that might have been able to afford to build them no longer bothered. Central denominational bureaucracies are far more likely to give money to revolutionary causes or bureaucracy-expanding causes. Meanwhile, the smaller denominations concentrate on missions or other spiritual ventures.

There is no architectural representation of the majesty of God that competes today with the majesty of the state. This statist majesty is anything but beautiful. There is a grim, ugly architectural style that is common to government buildings throughout the West: huge stones, few windows, marble or imitation marble. These make men feel insignificant. The buildings dwarf people. This style was pioneered in ancient imperial Rome. A similar theology of empire undergirds today's structures.

The Soviet Union was the most self-conscious empire we have seen in modern times. In the decades following the Revolution, the Soviets produced grand monuments to poor taste. Malcolm Muggeridge's autobiography recalls his stay in Moscow's National Hotel during the 1930s as a reporter for Britain's *Manchester Guardian*.

> The decor was in heavy marble and gilt, rather like the stations in the Moscow underground [subway—G.N.], then under construction, and to become a tourist show-place. Once, sitting with Mirsky in the hotel lounge, I remarked upon its excruciating taste. Yes, he agreed, it was pretty ghastly, but it expressed the sense of what a luxury hotel should be like in the mind of someone who had only stared in at one through plate-glass windows from the cold, inhospitable street outside. This, he said, was the key to all the régime's artistic products—the long turgid novels, the lifeless portraits and landscapes in oils, the gruesome People's neo-Gothic architecture, the leaden conservatory concerts and creaking ballet. Culturally, it was all of a piece. There is no surer way of preserving the worst aspects of bourgeois style than liquidating the bourgeoisie. . . .[20]

3. Restoring Cooperation

The theological and institutional fragmentation of the West's churches is visible today. The original ecumenical impulse of Christianity has dimmed. We should expect a future revival to bring new unity, for the church is now visibly at war with humanist empires, as it was from Christ's day to Constantine's. A revival is more likely to

20. Malcolm Muggeridge, *Chronicles of Wasted Time: The Green Stick* (New York: Morrow, 1973), p. 245.

unify Christians than split them, for there is a visible, threatening common enemy. Thus, we should expect to see a new ecumenism of Bible-believing people to rival and offset the collectivist ecumenism of modernism. It will be a bottom-up ecumenism, not a top-down bureaucratic ecumenism.[21]

Thus, rather than expecting huge national cathedrals (a symbol of nationalism) or international cathedrals (a symbol of ecclesiastical empire), we should expect to see new buildings that coordinate the activities of various regional Christian groups. They will have to be functional yet magisterial. Instead of the sports arenas—modern man's urban equivalent of the Roman arenas—we will see artistic, educational, and meeting centers. They will not be primarily denominational, but oriented toward dominion activities. They will represent the activism of Christian civilization, not of the church narrowly defined.

Churches may also build common structures in various regions, comparable in sacrifice to the Mormon temples we find in many cities throughout the world. They will reflect the "best" that a denomination's regional efforts can produce. We will also see national and international architectural efforts, both secular and ecclesiastical. There will be regional, national, and international architectural manifestations of the majesty of God on earth. But there will not be a single center, as there was in Israel, for God has decentralized sacrifice and therefore His kingdom.

Such is my prediction. Yet the very decentralization of Christian culture is a would-be prophet's stumbling-stone. The freedom that Christianity provides invariably unleashes human creativity that defies categorization in advance. What is most significant architecturally is the stylistic freedom that Christian civilization offers within the overall constraints of finances and the restored image of God in redeemed man. What is far less important is the accuracy of the prediction.

Conclusion

Local churches should embody visible elements of personal sacrifice. Modern concepts of long-term debt have reduced the psychological burden of present sacrifice, but long-term uncertainty and the threat of debt servitude have accompanied the increase in church indebted-

21. Gary North, *Healer of the Nations: Biblical Blueprints for Foreign Relations* (Ft. Worth, Texas: Dominion Press, 1987), ch. 11.

ness. The medieval churches sometimes took centuries to construct, calling forth the sacrifices and talents of many generations. Modern congregations build smaller, less beautiful, more efficient structures, borrow heavily from fractional reserve banks to do so, or sell usurious long-term bonds to church members,[22] and then take a generation to pay off the debt. The medieval Christians were closer to the truth in this area of worship. They understood what the Old Testament Hebrews had been told by God: that *holy wastefulness* has its place in godly worship, as the tithe of celebration indicates (Deut. 14:23–29). Construction costs per square foot should not be the primary consideration in constructing every place of worship. An eschatology of victory should be reflected in an architecture of majesty and permanence somewhere in the Christian community.

22. Gary North, "Stewardship, Investment, and Usury: Financing the Kingdom of God," Appendix 3 in R. J. Rushdoony, *Institutes of Biblical Law* (Nutley, New Jersey: Craig Press, 1973).

58

BLOOD MONEY, NOT HEAD TAX

And the LORD *spake unto Moses, saying, When thou takest the sum of the children of Israel after their number, then shall they give every man a ransom for his soul unto the* LORD*, when thou numberest them; that there be no plague among them, when thou numberest them. This they shall give, every one that passeth among them that are numbered, half a shekel after the shekel of the sanctuary: (a shekel is twenty gerahs:) an half shekel shall be the offering of the* LORD*. Every one that passeth among them that are numbered, from twenty years old and above, shall give an offering unto the* LORD*. The rich shall not give more, and the poor shall not give less than half a shekel, when they give an offering unto the* LORD*, to make an atonement for your souls. And thou shalt take the atonement money of the children of Israel, and shalt appoint it for the service of the tabernacle of the congregation; that it may be a memorial unto the children of Israel before the* LORD*, to make an atonement for your souls.*

EXODUS 30:11–16

The theocentric focus of the passage is God's holy army as an agency of negative sanctions: point four of the biblical covenant.[1] The members of this army needed a covering, an atonement before God. Why? The text does not say, but other texts tell us.

This was a mustering of the fighting men of Israel. Moses counted them as they left Egypt, on the assumption that they would soon enter into a war against Canaan. Israel had left Egypt as an army: "And it came to pass the selfsame day, that the LORD did bring the children of Israel out of the land of Egypt by their armies" (Ex. 12:51). So God told Moses to number this assembly of tribal armies: "Take ye the sum

1. Ray R. Sutton, *That You May Prosper: Dominion By Covenant*, 2nd ed. (Tyler, Texas: Institute for Christian Economics, [1987] 1992), ch. 4. Gary North, *Unconditional Surrender: God's Program for Victory*, 5th ed. (Powder Springs, Georgia: American Vision, 2010), ch. 4.

of all the congregation of the children of Israel, after their families, by the house of their fathers, with the number of their names, every male by their polls; From twenty years old and upward, all that are able to go forth to war in Israel: thou and Aaron shall number them by their armies" (Num. 1:2–3). After the plague that God brought on Israel for their fornication with the Midianite women, God ordered another census. "And it came to pass after the plague, that the LORD spake unto Moses and unto Eleazar the son of Aaron the priest, saying, Take the sum of all the congregation of the children of Israel, from twenty years old and upward, throughout their fathers' house, all that are able to go to war in Israel" (Num. 26:1–2). Joshua numbered them again for the same reason (Josh. 8:10).

A nation has a legitimate need for statistics on its military capability. It must count the costs of war. "Or what king, going to make war against another king, sitteth not down first, and consulteth whether he be able with ten thousand to meet him that cometh against him with twenty thousand? Or else, while the other is yet a great way off, he sendeth an ambassage, and desireth conditions of peace" (Luke 14:31–32).[2] This is why the military commander of Israel numbered the men before he took them into battle.

A. Bloodshed and Blood Covering

The people needed an atonement before they marched into battle. The shedding of man's blood must be placed under tight covenantal limits. This is why the numbering of the circumcised males of Israel required their payment of atonement money. This numbering was only to be done in preparation for a war.

One thing is certain about this passage: *it does not have anything to do with a civil tax*. The State is in no way responsible for taking money from anyone for the purpose of making an atonement for his soul. Making atonement as God's representative is a priestly function, not a kingly function. The recipient of the funds was to be the tabernacle, not the civil government.

The atonement or covering was required by God whenever the adult males were numbered prior to military conflict. If they refused to pay, God threatened them with a plague. When David decided to number the people of Israel despite the fact that no war was imminent, his advisor Joab warned him not to do it (II Sam. 24:3). David

2. Gary North, *Treasure and Dominion: An Economic Commentary of Luke*, 2nd ed. (Dallas, Georgia: Point Five Press, [2000] 2012), ch. 35.

refused to listen, and insisted that the census be taken. When he realized that this assertion of his sovereignty was wrong, he admitted his sin to God. The seer Gad was told by God to inform David that he would be given three options: seven years of famine for the nation, three months of fleeing before his enemies, or a plague. David asked God to make the decision, and God sent the plague in which 70,000 people died (II Sam. 24:15).[3]

If the census had been a normal source of revenue for the civil government, it would have been an annual event. It was not an annual event; taking the national census was strictly limited to wartime, and required an atonement payment to the tabernacle. By acting as though the state had the authority to take a census at any time, David sinned against God. To "number" (*paqad*) the army meant to muster the troops for battle. James Jordan commented: "The word is also used throughout the prophets to mean 'visit' or 'punish.' There are other words in Hebrew which refer to numbering in the sense of counting up or adding up, as Exodus 30:12 aptly illustrates ("When you take a *sum* . . . to *muster* them"). Thus, the numbering spoken of here in Exodus 30 is not a mere counting census, but *a visitation or judgment designed to see who is on the* LORD*'s side*. Those who pass over into the camp of the mustered men are thereby declaring themselves to be in the army of God, as opposed to the army of Satan. When the LORD comes, he comes to visit and punish, to muster all men and see who has and who has not passed over into his army."[4] Jordan therefore concluded that this was not an annual census.

Jordan argued that it was *the presence of God in their midst* that threatened those who had not been covered by the payment of the atonement money. God walks in the midst of the army (Deut. 23:14), so the camp must be holy. "The fact that the money is used for the upkeep of the Tabernacle/Temple indicates a connection between the environment of the Temple (God's House) and that of the army camp (God's War Camp). Both are especially holy, and thus especially threatening to sinful man. Under the Old Covenant, each had to be especially sanctified, and the men who entered each had to be especially sanctified. . . ."[5]

3. The passage says that God was angry with Israel, so He "moved David against them" by numbering them (II Sam. 24:1). David could have brought the judgment of God on himself had he been willing to accept the curse of fleeing three months from his enemies, but he left the judgment up to God.

4. James B. Jordan, *The Law of the Covenant: An Exposition of Exodus 21–23* (Tyler, Texas: Institute for Christian Economics, 1984), p. 227.

5. *Ibid*., p. 229.

Jordan also pointed out that in the Old Testament, *holy war was a priestly function*. Torched cities were called "whole burnt sacrifices" (Deut. 13:16; Jud. 1:17, in Hebrew). During a holy war, the soldiers became temporary priests by taking a Nazarite vow.[6] "This is all to say that the rendering of specific judgments is a sabbatical and priestly function, not a kingly one. The kingly function in the Bible is in the area of leading, cultivating, and shepherding, especially through the skillful serving of one's subordinates (Mark 10:42–45). *The sword of the state executes according to the judgments rendered by the priests*. (In the New Covenant age, every believer is a priest, just as the Old Covenant believers became priests by taking the Nazarite vow. In our system, the priests render judgment by sitting on a *jury*, and then the state executes the judgment.)"[7]

The point should be clear: the covering or atonement payment of Exodus 30 has nothing to do with the civil government. It is not a tax at all. "Thus, the military duty is priestly, and a duty of every believer-priest. Both Church and state are involved in it, since the Church must say whether the war is just and holy, and the state must organize the believer-priests for battle. The mustering of the host for a census is, then, not a 'civil' function as opposed to an ecclesiastical one, and the atonement money of Exodus 30 is not a poll tax, as some have alleged."[8]

Jordan was being polite (or cautious) by refraining from mentioning the target of his exposition, but readers may not fully understand the nature of the theological problem unless they know the specifics of the debate. Jordan's target was R. J. Rushdoony.

B. Rushdoony's Theory of the Civil Head Tax

There has been considerable confusion about this in recent years because of Rushdoony's insistence that this atonement payment became a civil head tax after the construction of the tabernacle. "It was used to maintain the civil order after the tabernacle (the throne room and palace of God's government) was built."[9] He offered no evidence for this assertion. On the face of it, it seems utterly implausible. How did such a shift in the locus of taxing sovereignty take place? How

6. *Ibid*., p. 231.
7. *Ibid*., pp. 231–32.
8. *Ibid*., p. 232.
9. R. J. Rushdoony, *The Institutes of Biblical Law* (Nutley, New Jersey: Craig Press, 1973), p. 50.

did the state become the recipient of an atonement payment, thereby converting a ransom paid to God through the priesthood into a head tax collected by the state? *This would implicitly transfer sovereignty from the church to the state*, a procedure totally at odds with everything else Rushdoony had written about illegitimate state power.

1. Atonement by the State

He correctly observed that this payment was an atonement payment to the tabernacle which was paid by those going into battle, and he cited other commentators to support his point—a relatively noncontroversial point.[10] Problem number one: *On what basis did the state become the recipient of this atonement payment*? He tried to solve this problem by arguing that the tabernacle was as much a civil center as an ecclesiastical center. Civil taxes, he insisted, were brought to God at His throne room, the tabernacle. "The sanctuary was thus the civil center of Israel and no less religious for that fact."[11] Thus, a "poll tax," as he called it, was always brought to the tabernacle.[12] He then stretched the argument to conclude that in Israel, "The basic tax was the poll or head tax (Ex. 30:11–16), which had to be the same for all men."[13]

Thus, what is explicitly stated in the Bible to be *an atonement payment made to the tabernacle*, one which most commentators (including Rushdoony) believe was a payment associated with a military census taken immediately prior to a war, later became, in Rushdoony's interpretation, a normal revenue collection device for the state—indeed, the *only* source of legitimate revenue for the state. "*First*, the basic civil tax in Scripture, the only tax, is the poll or head tax, paid by every man twenty years of age and older (Ex. 30:11–16)."[14] "Its purpose was to provide for civil atonement, i.e., the covering or protection of civil government. Every male twenty years old or older was required to pay this tax to be protected by God the King in His theocratic government of Israel. This tax was thus a civil and religious duty (but not an ecclesiastical one)."[15]

Problem number two: *When did the state become the recipient of these atonement payments*? He argued that the head tax "was used origi-

10. *Ibid.*, p. 277.
11. *Ibid.*, p. 281.
12. *Idem.*
13. *Ibid.*, p. 492.
14. *Ibid.*, p. 510.
15. *Ibid.*, p. 719.

nally for the construction of the tabernacle (Ex. 38:25–28)."[16] The key word here is *originally*. He implied that after the construction of the tabernacle, the money went to the dtate to finance its day-to-day operations. He did not explain anywhere in his writings just exactly how the day-to-day expenses of the entire civil government—local, tribal, and national—could have been financed by this one tax payment, one which could be legitimately collected only prior to a war. He did not explain this obvious difficulty because it obviously cannot be explained—not without concluding that Israel was a permanent warfare State. He did not want to make such a conclusion, so he simply ignores the problem.

Why did Rushdoony make this unwarranted leap from an atoning tabernacle payment during wartime to a permanent payment to the tabernacle as a civil tax? Why didn't he see the enormous threat to liberty involved in making the state a tax-collector in the name of atonement? Why did he fail to recognize that if this was the only legitimate tax in Old Testament Israel, that it would have created either an ecclesiocracy or a political tyranny? If the atonement payment was in fact a tax, one collected by the tabernacle's agents, meaning Aaronic priests, to be doled out as they saw fit to the civil authorities, then the church would inevitably be at the top of a single civil pyramid. On the other hand, if the civil magistrates possessed the authority to enter the tabernacle and collect the atonement payment, then the state would be at the top. Yet Rushdoony always argued that there is no single church-state pyramid of power in a biblical commonwealth; church and State are separate sovereign authorities under God and God's law.

2. Rushdoony's Unstated Problem

His unstated problem was that he did not want to face an unpleasant reality: the Old Testament never specifically says anything about what is proper for civil taxation, except in Samuel's warning against the king's collection of as great a percentage of a person's income as 10% (I Sam. 8).[17] This was James Jordan's conclusion.[18] It is also mine. If defenders of biblical law cannot point to any specific biblical laws that govern civil taxation, an apparent gap in their whole hermeneutics is exposed for all to see.

16. *Ibid*., p. 50.

17. Gary North, *Disobedience and Defeat: An Economic Commentary on the Historical Books* (Dallas, Georgia: Point Five Press, 2012), ch. 14.

18. Jordan, *Law of the Covenant*, p. 239.

Rushdoony prefered not to face this problem directly, although he clearly recognized that it exists. "Commentaries and Bible dictionaries on the whole cite no law governing taxation. One would assume, from reading them, that no system of taxation existed in ancient Israel, and that the Mosaic law did not speak on the subject."[19] If the Bible is truly silent here, then the theonomist is placed in the seemingly embarrassing position of claiming that the Old Testament's law-order has specific guidelines and answers for all social and civil policy, yet he is unable to find explicit rules governing what became the central issue of civil sovereignty in the twentieth century, namely, the legal sanction of tax collection. Yet, apart from Samuel's critique of the king's collecting a tithe, the only references to compulsory payments in ancient Israel are the various tithes and sacrifices—clearly ecclesiastical—and the census atonement money of Exodus 30.

To overcome this embarrassment, Rushdoony offered a unique theory of Old Testament civil order and its relation to the taxing authority. "This failure to discern any tax law is due to the failure to recognize the nature of Israel's civil order. God as King of Israel ruled from His throne room in the tabernacle, and to Him the taxes were brought. Because of the common error of viewing the tabernacle as an exclusively or essentially 'religious,' i.e., *ecclesiastical* center, there is a failure to recognize that it was indeed a *religious, civil* center. In terms of Biblical law, the state, home, school, and every other agency must be no less religious than the church. The sanctuary was thus the civil center of Israel and no less religious for that fact."[20]

3. A Question of Sovereignty

He systematically refused to explore the startling implications of this theory of the tabernacle as the only place where the Israelites paid their taxes to God as King of Israel. The issue is clearly not the "religiousness" of the civil order, for as he correctly said, all of society's institutions are equally religious—state, home, school business, etc. But this is not to say that all institutions are equally covenantal, for only three institutions—family, church, and state—bear the marks of the covenant, namely, a self-maledictory oath.[21]

Church and state collect their lawful payments from those who are covenanted to each institution, though not necessarily to both

19. Rushdoony, *Institutes*, p. 281.
20. *Idem*.
21. Chapter 23.

institutions: churches collect tithes from church members, and civil governments collect taxes from those under their jurisdiction. This has nothing to do with the question of the "religiousness" of either or both of these God-ordained covenant institutions. For example, private businesses are not entitled to collect taxes from anyone, except as agents of the civil government. Yet according to Rushdoony, businesses are inescapably religious institutions.

Rushdoony's argument throughout his career was that all of life is inescapably religious. Following Van Til, he argued that all men are either covenant-keepers or covenant-breakers. "Neutral man does not exist. Man is either a covenant-keeper or a covenant-breaker, either obeying God in faith, or in revolt against God as a would-be god."[22] Everything man does is therefore religious. This being the case, an appeal to religiousness as such cannot solve the crucial question he is dealing with: *To which institution or institutions has God delegated the lawful sovereignty to collect His taxes and His tithes*? God was surely both King and Priest in Israel, but that is not the issue here. The issue is: Did He delegate to a single institution the lawful sovereignty to collect payments owed to Him in His capacity as both King and Priest?

It is obvious that King Uzziah violated the temple by going into it to burn incense. God struck him down with Old Testament leprosy as a punishment (II Chron. 26:16–23). Rushdoony used this example to defend the institutional separation of church and state.[23] Speaking of priest and king, he wrote, "The two offices were not to have an immanent union but only a transcendental one."[24] But to allow one of these offices to collect payments owed by people to the other is unquestionably declaring an immanent (earthly) union of the two offices, as surely as Uzziah's attempt to offer incense in the temple was such a declaration.

The state was not to collect payments owed to the tabernacle for atonement purposes. Similarly, the priesthood was not to collect taxes owed to the civil government. The fact that the tabernacle, and later the temple, was the civil center of Israel was manifested symbolically by the fact that the Ark of the Covenant inside the holy of holies was the center of all Israel, and that inside the Ark were the two

22. Rushdoony, "Implications for Psychology," in Gary North (ed.), F*oundations of Christian Scholarship: Essays in the Van Til Perspective* (Vallecito, California: Ross House, 1976), p. 43.

23. R. J. Rushdoony, *Foundations of Social Order: Studies in the Creeds and Councils of the Early Church* (Vallecito, California: Ross House, [1968] 1998), p. 58.

24. *Idem*.

tablets (tables or copies)[25] of God's law. God's law was the center of life in Israel, and God was present with His law in the holy of holies. This has nothing to do with the institutional details of tax collecting or tithe collecting; it has everything to do with the inescapable religiousness of all life.

4. Ed Powell's Modification

Ed Powell's essay, "God's Plan of Taxation," is an extension of Rushdoony's position, which is why Rushdoony allowed it to appear in his only co-authored book. There is one interesting addition that Powell made, however. He quite correctly pointed out that the Levites were not subject to military conscription (Num. 1:47–49), and therefore they were not required to pay the so-called poll tax. Rushdoony had insisted in the *Institutes*: "It was paid by Levites and all others."[26] Powell argued that the Levites were not part of the civil order, and so were not required to pay any tax to the state, and this was the only tax the state could lawfully collect, according to both Rushdoony and Powell. "This tax went solely for the purpose of supporting the state, and only those who were members of the civil order because of their military service paid it."[27] Thus, in Powell's version of political theory, civil citizenship is based on two things, the payment of taxes and participation in the military. He clearly recognized the connection between the "tax" of Exodus 30:11–16 and military service. Would he conclude that in New Testament times, ordained ministers of the gospel should not be allowed to vote or be required to pay taxes? If he denied this, then would he then conclude that they should be subject to military conscription?

What Powell did not recognize is central to Jordan's argument and mine: *by becoming a Nazarite during a holy war, the soldier in Old Covenant Israel became a temporary priest*. It was the army's very position as a temporary priesthood that made the payment of blood money mandatory if the soldiers were to avoid the plague when God came into the camp. Thus, the requirement to pay blood money to the tabernacle had nothing to do with the supposed status of the Levites as being outside the civil order. It had everything to do with the *need for*

25. Meredith G. Kline, *The Structure of Biblical Authority*, rev. ed. (Grand Rapids, Michigan: Eerdmans, 1972), pp. 123–24.

26. Rushdoony, *Institutes*, p. 50.

27. Rushdoony and Powell, *Tithing and Dominion* (Fairfax, Virginia: Thoburn Press, 1979), p. 64. The irony here is that it was my "freewill" offering to Pastor Robert Thoburn's church in Fairfax, Virginia, that financed the publication of this book.

atonement by those who were temporarily set aside (made holy) for God's special purposes during a war.

The Rushdoony-Powell position leads to innumerable problems, especially in extending into New Testament times the erroneous principle of the head tax as the sole means of state financing. I have dwelt at some length on this explanation of Exodus 30:11–16 only because Rushdoony's *Institutes* presented the preliminary model of the Christian Reconstruction position. His few remarks on taxation are found in the sections of the *Institutes* that attempt to explain this passage. Thus, by systematically restricting any discussion of biblical taxation to the supposed civil head tax of the Old Testament, Rushdoony eliminated the possibility of discussing such alternative tax policies as the gasoline tax used exclusively for local roadways, or income taxes lower than 10%, or sales taxes lower than 10%. He identified the head tax as the sole source of civil government revenue, a conclusion unwarranted by the text.[28]

Conclusion

The atonement money required from each adult male in Israel prior to a holy war had nothing to do with civil taxation. It was a unique assessment that took place only during the military census, and the taking of such a census was authorized by God only when war threatened the commonwealth. The state was not allowed to conduct such a census under any other circumstances (II Sam. 24). For the civil magistrate to have collected such a blood covering payment as a civil tax would have been an abomination. To have made it the only civil tax in Israel, to be collected on an annual or other regular basis, would have brought the wrath of God on the state. The collection of this mandatory payment was exclusively a priestly function. Thus, any discussion of the methods and limits of lawful civil taxation in Old Testament Israel must be based on passages other than Exodus 30:11–16. This required payment was not a head tax or any other kind of tax; it was a blood covering for warriors-become-Nazarite priests who were about to go into battle.

28. Appendix T.

59

SABBATH REST VS. AUTONOMY

Six days shall work be done, but on the seventh day there shall be to you an holy day, a sabbath of rest to the LORD*: whosoever doeth work therein shall be put to death.*

EXODUS 35:2

God's work of creation is the archetype for man: six days of labor and a day of rest, or ceasing from our normal labors. If God rested the seventh day, then we must rest one day in seven. Originally, Adam's day of rest was his first full day of life. His firstday was God's seventh-day. He was to have honored his position as a creature by resting the first day of the week, thereby acknowledging God's prior work as the foundation of his life and rest.

Adam pretended that his autonomous labor would bring forth fruits. He pretended that he had not received everything as a gift from God. He therefore imitated God's week, beginning his rebellion on the first day of his week. Because of Adam's sin of autonomy—playing God—God imposed a temporary six-and-one pattern for man's week until the resurrection of Jesus Christ. We now are required as individuals to structure our work weeks in terms of a one-and-six resurrection pattern. God has restored to His church the original pattern.[1]

A. Sabbath and Sanctions

This chapter is really more of a summary of the material that I presented in Chapter 24 and Appendix E. This passage is an extension of Exodus 20:8–11, the law of the sabbath. It specifies the sanction: capital punishment.

1. Gary North, *Sovereignty and Dominion: An Economic Commentary on Genesis* (Dallas, Georgia: Point Five Press, [1982] 2012), ch. 6.

1. The Death Penalty

God's designation of a specific sanction is crucial. Dispensationalist Roy Aldrich reminded us: "If the Ten Commandments of the law are still binding then all of the penalties must remain the same. The death penalties should be imposed for Sabbath-breaking, idolatry, adultery, rebellion against parents, etc. To change the penalty of a law means to abolish that law. A law without a penalty is an anomaly. A law with its penalty abolished becomes only good advice."[2] The fourth commandment was basic to the Decalogue. Thus, this case law specified the appropriate sanction: *execution*. This was reaffirmed by God in His specially revealed requirement that the stick-gatherer be stoned to death (Num. 15).

I have argued previously that this capital sanction was removed from God's law when the locus of *this particular law's* enforcement shifted from the civil government to the individual conscience. This is not to say that sabbath rest was abolished by God. It was transformed by the resurrection of Jesus Christ, which is why Christians honor the principle by resting on the Lord's Day, the first day of the week. The *individual Christian* who operates as a covenantal agent *directly under God* becomes the sole earthly agent for enforcing the law of the sabbath. There is no longer any civil sanction attached to it. (There was never any ecclesiastical sanction mentioned in the Old Testament.) Paul wrote that some men regard all days the same; other men regard one day as special; each individual is to obey his conscience in this matter (Rom. 14:5). Thus, the transfer of earthly sovereignty in enforcing the sabbath rest principle necessarily removed the capital sanction—the only sanction specified in the Old Testament. This is not to say that this law no longer holds. God will enforce whatever sanctions He believes are appropriate in history and on judgment day. But for all practical *judicial* purposes, the fourth commandment has been transformed from a civil law into good personal advice.

To argue otherwise is necessarily to call for the re-establishment of the death penalty for sabbath violators. To appeal to the Old Testament—meaning the fourth commandment—necessarily also involves an appeal to this passage, for it specifies the appropriate sanction. Again, let me repeat the theme of this entire book:

2. Roy L. Aldrich, "Causes for Confusion of Law and Grace," *Bibliotheca Sacra*, vol. 116 (July 1959), p. 226.

No sanctions, no laws; no laws, no social order; no social order, no civilization; no civilization, no kingdom of God in church history.

2. Sanctions and Sanctification

Let me repeat what I said in the Introduction to Part 3: "What I argue throughout this book is really quite simple: *we can legitimately assess the importance of any biblical law by examining its case-law sanction*. This simple and seemingly obvious principle of jurisprudence has been implicitly denied for almost two millennia by the church. There has been an ancient tradition on the part of Christian commentators of appealing selectively to Old Testament laws whenever convenient in moral arguments, but almost never to the God-specified sanctions." Exodus 35:2 seldom appears in any sabbatarian's discussion of how important the sabbath remains, and what we must do in order to honor it. This is wholly illegitimate exegetically, and it has led to the accusation by consistent critics that Christians who uphold "the moral law of God" apart from God's specified civil sanctions are hypocritical, that they want all the moral benefits of theocracy without any of the embarrassing theocratic sanctions.

The defenders of the "moral law only" approach inescapably have to agree in principle with dispensationalist Aldrich: "It should be remembered that the Ten Commandments were part of the legal system of Israel as a theocracy. In this Mosaic economy 'every transgression and disobedience received a just recompence of reward' (Heb. 2:2b). A law without a penalty is only good advice. The Mosaic penalty for violation of each of the first four commandments was death. For certain overt violations of all the other commandments the penalty was death. Only a theocracy could enforce such laws. No government, or denomination, or society even pretends to enforce them today. This is as it should be for they were given only to Israel and have long been abolished."[3] Defenders of "the moral law only" favor the general law of God but not the specific sanctions. They argue for a *general theocracy*—a world controlled by God, who judges it continually and finally—yet they deny *specific theocracy*, meaning civil governments that are legitimately governed in terms of Old Testament laws and their God-revealed sanctions.

What I have argued for many years is this: *the covenantal standard of progressive sanctification applies to all human institutions*, not just to the hearts, minds, and actions of regenerate believers. The Bible un-

3. Aldrich, "Has the Mosaic Law Been Abolished?" *ibid.*, vol. 116 (Oct. 1959), p. 332.

questionably teaches the concept of progressive sanctification which operates in the lives of redeemed individuals. This doctrine informs us that as redeemed people self-consciously conform themselves progressively to the requirement of God's law as they mature in the faith, they progressively approach (but never achieve in history) the perfect humanity (but never the divinity) of the incarnate Jesus Christ.[4] Because God brings historical judgment on collectives, meaning human institutions (Deut. 28), especially the three covenant institutions—church, State, and family—progressive sanctification also applies to groups. It is the basis of worldwide dominion.[5]

B. No Salvation by Works

God's grace is the only basis of man's salvation, in the sense of healing (salve) as well as personal regeneration. Men cannot legitimately expect to work their way back into favor with God. Eternal life is by God's sovereign act of adoption (John 1:12). We are made true sons of God by means of adoption. Apart from this act of adoption, we remain *disinherited sons* through our covenantal (representative) father, Adam.

The sabbath law was designed to remind man that he cannot work his way into a position of authority. To think that the works of man's hand are the basis of success, power, and prosperity is to adopt the religion of humanism, the forbidden religion in the Bible. God warned the people of Israel through Moses against vain imaginations regarding the basis of their wealth: "And thou say in thine heart, My power and the might of mine hand hath gotten me this wealth" (Deut. 8:17). God then warned them about the sanctions He would bring against them in history if they forgot this warning against the concept of man's autonomy.

> And it shall be, if thou do at all forget the LORD thy God, and walk after other gods, and serve them, and worship them, I testify against you this day that ye shall surely perish. As the nations which the LORD destroyeth before your face, so shall ye perish; because ye would not be obedient unto the voice of the LORD your God (Deut. 8:19–20).[6]

---

4. Gary North, *Unconditional Surrender: God's Program for Victory*, 5th ed. (Powder Springs, Georgia: American Vision, [1980] 2010), pp. 50–54.

5. *Ibid*., pp. 82–84. Cf. Gary North, *Dominion and Common Grace: The Biblical Basis of Progress* (Tyler, Texas: Institute for Christian Economics, 1987), ch. 5.

6. 6.Gary North, *Inheritance and Dominion: An Economic Commentary on Deuteronomy*, 2nd ed. (Dallas, Georgia: Point Five Press, [1999] 2012), ch. 23.

Man is told that he owes his success to God. God gives him the original capital base that man possesses. Then, in response to man's grace-empowered covenantal faithfulness—outward conformity to God's revealed law—God showers man with external, visible blessings. These blessings are designed to become a means of evangelism, both to individuals within the commonwealth and foreigners abroad.

> Behold, I have taught you statutes and judgments, even as the LORD my God commanded me, that ye should do so in the land whither ye go to possess it. Keep therefore and do them; for this is your wisdom and your understanding in the sight of the nations, which shall hear all these statutes, and say, Surely this great nation is a wise and understanding people. For what nation is there so great, who hath God so nigh unto them, as the LORD our God is in all things that we call upon him for? And what nation is there so great, that hath statutes and judgments so righteous as all this law, which I set before you this day? (Deut. 4:5–8).[7]

God gave them the law of the sabbath in order to spare them. It was to remind them that they had been hard-pressed servants in Egypt. In the recapitulation of the Ten Commandments in Deuteronomy, this is the reason given for the sabbath: "And remember that thou wast a servant in the land of Egypt, and that the LORD thy God brought thee out thence through a mighty hand and by a stretched out arm: therefore the LORD thy God commanded thee to keep the sabbath day" (Deut. 5:15). They had to give their human and animal servants a day off each week (v. 14). God was gracious in delivering them from bondage; they must also be gracious to those under their authority. This is the *hierarchical principle of God's grace*. It is appropriate that we find this principle clearly displayed in the second book of the Pentateuch, Exodus, the book that deals with hierarchy, authority, and deliverance.

The man who honors the sabbath by refusing to work at his occupation publicly admits to himself and to those around him that he cannot work his way into prosperity, that is, into the favor of God. God requires him to rest one day in seven if he expects to receive long-term external blessings from God. But Old Testament law went beyond the mere promise of external blessings; it required the state to impose the ultimate civil sanction: execution. Execution is what will happen to the whole society if it disobeys God (Deut. 8:19–20); this is what also happens to individuals now if they disobey Him (Ex. 35:2). The covenantal sanction that was attached to the microcosm

7. *Ibid.*, ch. 8.

(the individual) reflected the covenantal sanction that was attached to the macrocosm (society). Men are not to imagine that they owe their wealth to the work of their own hands. They are to understand that their wealth has come through God's covenant of grace, one which has both types of sanction: blessing and cursing.

Conclusion

The sanction attached to this law was a civil sanction, and it was the ultimate civil sanction. All discussions regarding the continuing legitimacy of the Old Testament sabbath must henceforth begin with a full discussion of Exodus 35:2, and how it applies in the New Testament era. The capital sanction was fundamental to the law as originally given. No appeal to the various Old Testament passages relating to the sabbath can be taken literally if this one is conveniently ignored. The discussion must begin with Exodus 35:2.

The meaning of the sabbath law is clear: man must rest one day in seven. In the Old Testament, it was the last day of the work week, for the day of rest was a national testimony to the sabbath rest to come, the fulfillment of God's covenant promise of salvation and deliverance. This deliverance is wholly the gift of God. Man cannot save himself. Thus, the sabbath law was a testimony to a theological truth: salvation by grace and not by works of the law. The work of autonomous man's hands brings only death, this law affirms. The same is equally true for societies.

60

THE ABILITY TO TEACH

> *And he hath filled him [Bezaleel] with the spirit of God, in wisdom, in understanding, and in knowledge, and in all manner of workmanship; . . . And he hath put in his heart that he may teach, both he, and Aholiab . . .*
>
> EXODUS 35:31, 34a

God is the source of all wisdom and all technical skills. Human civilization is the result of the procession of God's Holy Spirit in history. There is continuity in human culture, generation to generation, only because there is continuity of the work of God's Spirit in history. God uses human instruments in order to achieve the progressive establishment of His kingdom in history. The *kingdom of God* is best described as the *civilization of God*. It is both heavenly and earthly.

Architecture is certainly a visible aspect of God's earthly kingdom, and it points to the architecture of heaven. This was understood far better by medieval Christians than it is today. They also understood the need of personal apprenticeship as the best means of training men in building skills. As Christians' time perspective has shortened, so has their sense of architectural aesthetics. The aesthetic link between earth and heaven is not taken seriously by most evangelical Christians, as their church buildings reveal.[1]

It is significant that almost nothing remains of Israelite architecture. Neither the first nor second temple survived the invasions of Israel's enemies, nor did the king's palace. God destroyed all traces of Israelite monumental architecture because of their repeated rebel-

1. The aesthetic link between earth and hell has been taken very seriously by satanists, as their record album and audio disk covers and posters reveal so blatantly.

lion. The Israelites lost continuity architecturally because they did not maintain continuity ethically.

A. From Discontinuity to Continuity

This public announcement by Moses regarding the Spirit's connection to the two young architects is a repetition of the assignment given to the young men by God (Ex. 31:1–6). In this case, however, it is specifically stated that God gave Bezaleel and Aholiab the desire and capacity to teach. They became God's temporal intermediaries, as surely as Noah had been. In both instances, someone had to serve as God's aesthetic vessel after the ordeal of water passage—the flood and the Red Sea—from wrath to grace. The leaven of Egypt was not to be brought into the land.

The fact that God specifically intervened in history to give these two young men the ability to design and execute plans for the tabernacle points to the *non-evolutionary* nature of the Hebrew experience in the wilderness. The Israelites were former slaves. They had all been assigned construction tasks in Egypt that were far less skilled than the requirements of careful craftsmanship necessary to construct an intricate, aesthetically awesome place of religious worship. They were brick-makers, not skilled artisans. But God did not wait for several generations to see His tabernacle built. His people did not rely on the borrowed technologies of Egypt or the surrounding cultures of Canaan in order to design and construct God's tabernacle. It was not to be constructed by means of a slave people's skills and in terms of a slave culture's liturgical preferences. God performed yet another miracle by granting these young men His spirit of competence.

A radical error of all humanistic outlines of human history is their dependence on a view of man which presupposes man's autonomy from God. They also presuppose an evolutionary history. Because the evolutionist erroneously assumes that man was not created "overnight," he also assumes that man's culture must have developed over long periods of time. Mankind as a collective whole supposedly creates culture over great periods of time. That which is *undeveloped culturally*—by the standards of a later, presumably higher culture—is seen as being *chronologically prior*. Step by step, the theory goes, mankind learned the arts of civilization. Long eons of time were required for this slow process of cultural development, and humanistic scholars grant to primitive men all the time thought to be necessary for cultural and technological development. Such is the myth of cultural Darwinism.

The Bible teaches another view of human progress. Civilization develops in terms of *ethics*, not in terms of the advent of private property and alienation (Rousseau and Marx), or sexual sublimation (Freud), or "challenge and response" (Toynbee), or voluntary contracts (Maine), or the "cunning of history" (Hegel), or the survival of the fittest (Spencer), or planning by a scientific elite (Lester Frank Ward), or the development of the *volk* (Nazism), or the construction of democratic institutions (the "new" American historians), or psychological self-realization (just about everyone else). The story of the Tower of Babel and the continuing testimony of the Cheops pyramid indicate that the early history of man was marked by cultural and technological *devolution*. Mankind began with remarkable mathematical[2] and technological skills that were subsequently lost.

B. Educational Capital

Adam and Eve lost the bulk of their computational abilities after the Fall. Adam had named the animals in the garden in less than one day; only after this task was completed did God give Eve to him (Gen. 2:19–23).[3] The life of man was shortened, forcing more frequent gaps in human knowledge, as each generation died off. To extend knowledge, over time, each generation must devote considerable quantities of scarce economic resources to the training of the next generation. There is an economic incentive in this, of course: the provisioning of one's heirs with income-producing skills so that one might be provided for in old age.

The education of one's heirs is required for the expansion of family capital over time. The familistic focus of the Bible inescapably calls men to educate their children (Deut. 6:6–7).[4] The passing down of precepts and skills takes time and effort. This is an investment in the future that pays returns not only in one's own lifetime, but also down through history. But, as with any investment, it requires that we forfeit present consumption and alternative investment possibilities in order to educate our children.

---

2. Giorgio de Santillana and Hertha von Dechend, *Hamlet's Mill: An Essay on Myth and the Frame of Time* (New York: Gambit, 1969); Peter Tomkins, *Secrets of the Great Pyramid* (New York: Harper Colophon, [1971] 1978).

3. Gary North, *Sovereignty and Dominion: An Economic Commentary on Genesis* (Dallas, Georgia: Point Five Press, [1982] 2012), ch. 7.

4. Gary North, *Inheritance and Dominion: An Economic Commentary on Deuteronomy*, 2nd ed. (Dallas, Georgia: Point Five Press, [1999] 2012) ch. 8; cf. Robert L. Thoburn, *The Children Trap: Biblical Blueprints for Economics* (Ft. Worth, Texas: Dominion Press, 1986).

God openly intervened in history to bring the Israelites out of Egypt. But leading them out of Egypt was only the first phase of God's program of dominion. He also intended that they learn the skills of building a civilization. The radical discontinuity of the exodus from Egypt was to be followed by a radical discontinuity of conquest. Then *a long-term continuity of dominion* was to begin.

The Hebrews possessed a minimal educational inheritance. They had learned some construction skills in Egypt. But this inheritance could easily become a snare to them. They needed an *infusion of educational capital* before they could hope to extend the dominion covenant. Like a parent who educates his children in order to extend his own name in history—the family name, the family vision, and the family power—so God had to educate His people in every area of life. This included architecture and aesthetics.

C. The Need for Aesthetic Discontinuity

The Hebrews had been in bondage in Egypt. They had served as construction workers for at least a generation. To the extent that they knew anything about architecture, they understood the architecture of the Egyptian state. The pyramids and the treasure cities were monuments to empire.

Egypt was a top-down civilization. The pyramids were the architectural representation of this society. Pharaoh was the divine-human link who mediated between man and the gods. He was the high priest of the society.[5] The priests possessed specialized knowledge which gave them life-and-death power over the lives of the Egyptians: knowledge of the cycles of the flooding of the Nile. Egypt was the archetype of what Wittfogel has called the "hydraulic society"—a civilization built in terms of a water monopoly by the state or priesthood. Their knowledge of astronomy, the calendar, and the flooding of the Nile gave the priests an unchallenged authority. Without them, the nation starved. They did not rule Egypt, but they were powerful.[6] The architecture of hydraulic societies is monumental.

> This style is apparent in the fortress-like settlements of the Pueblo Indians. It is conspicuous in the palaces, temple cities, and fortresses of ancient Middle and South America. It characterizes the tombs, palace-cities, temples, and royal monuments of Pharaonic Egypt and ancient Mesopo-

5. Karl Wittfogel, *Oriental Despotism: A Comparative Study of Total Power* (New Haven, Connecticut: Yale University Press, [1957] 1964), p. 93.
6. *Ibid.*, p. 88.

> tamia. No one who has ever observed the city gates and walls of a Chinese capital, such as Peking, or who has walked through the immense palace gates and squares of the Forbidden City to enter the equally immense court buildings, ancestral temples, and private residences can fail to be awed by their monumental design.
>
> Pyramids and dome-shaped tombs manifest most consistently the monumental style of hydraulic building. They achieve their aesthetic effect with a minimum of ideas and a maximum of material. The pyramid is little more than a huge pile of symmetrically arranged stones.[7]

In contrast to the pyramid was the tabernacle. It was ornate and magnificent inside (for the priests to view), but it was not monumental. It was transportable. Its builders were wilderness wanderers. There was no possibility of pyramid-building for the Hebrews in the wilderness. The tabernacle's grandeur was visual, but this grandeur was based upon the creation of a sense of subordination in those few who entered it. God taught the Hebrews a sense of awe, but this sense of awe was based on *God's actual presence in the tabernacle, not on its shape*. The closer they came to the center, the more awesome it became, and only priests were able to get close to the holy of holies, and only the high priest could enter it. Take away God's presence, and the tabernacle became a large, ornament-filled tent; it lost its awesome quality.

The great Cheops pyramid of Egypt is empty and awesome. With the original white limestone exterior, it must have been beautiful.[8] Its awesomeness is based on its height and immensity, not its communicated sense of God's presence. The tabernacle required constant care, meaning constant devotion; the pyramids stand unattended, monuments to the static civilization that they represented.[9] They have always served as giant graveyard monuments.

The massive, monumental architecture of Egypt had glorified the state and the static social pyramid. It had inspired the wrong kind of awe. It had been designed by tyrants and built by slaves. The rulers of Egypt paid for such architecture but had not participated in its construction.

The "empire" architecture of almost every national capital—Washington, D. C., the Kremlin, Nazi Berlin—is easily recognizable. Government buildings look alike: huge stones piled straight up to impress

7. *Ibid.*, pp. 43–44.

8. An earthquake around 1300 broke this exterior. The limestone remnants were removed in 1356 to make mosques and fortresses.

9. Chapter 2.

anyone who walks by or walks in. They are designed to dwarf men in the presence of the power state. They are also designed to produce massive cost overruns and therefore immense profits for the construction firms that build them. The State requires appropriate sacrifices.

The tabernacle was uniquely suited to the wilderness experience. It was also uniquely suited to the spiritual needs of the Hebrews. They had to develop a wholly new sense of aesthetics. The tabernacle was portable, not a huge imitation of timeless eternity. God's presence was made visible when Israel moved, in the pillar of fire and the cloud. God is a God of history, they learned.

The Hebrews could participate in the building of the tabernacle, if they were provided with teachers. This is precisely what God gave them. *The tabernacle was neither designed by tyrants nor built by slaves*. It inspired a sense of God's presence, not a sense of man's presence. It did not elevate an elite by humiliating the common man.

The construction of the tabernacle represented a definitive break with the architecture of empire. *The psychological and aesthetic discontinuity with Egypt reinforced the covenantal discontinuity with Egypt that God required of them*. They were not to bring the architectural leaven of Egypt into the promised land.

D. The Need for Aesthetic Continuity

The two senior craftsmen needed assistants. God gave them the ability to raise up apprentices who could multiply the skills of the masters. Instruction by masters led to an increase of productivity. The skills could be imparted, freeing up the time of the masters. Without this multiplication effect, it would have taken far longer to construct the tabernacle. The people would have been left in the wilderness for many years with memories of Egypt's awesomeness and confronted by the sight of the architectural greatness of their enemies across the Jordan River. Without a magnificent alternative which testified to God's ability as a designer, and which also testified to God's ability to endow His people with the skills to construct such a symbol of God's presence, the Hebrews would have suffered from an inferiority complex. The *splendor of the tabernacle* was clearly a *psychological implement of dominion*.

Who got inside to see it? The priests. They served as representatives of the people. They shared with God the splendor of the interior. They experienced this splendor as *representative agents* of the nation. Nevertheless, everyone who read the account in Exodus knew what

was inside. The people were called upon to visualize this splendor whenever they heard this section of the Word of God. They learned of a God who enjoys splendor for His own sake.

Man is made in God's image. Why, then, shouldn't a person enjoy the beauties of art for his own sake? Christian art and architecture do not have to serve the needs of State in order to be legitimate. Art must please God, but in a free society, God's delegated aesthetic agents are the patron and the artist, not anyone else. The very fact that the interior of the tabernacle had to be visualized by most Hebrews must have called forth the creative imaging process in the minds of artists.

They needed teachers. The students gained confidence in their ability to build. This gave them confidence concerning the future. They would not be dependent on the architectural capital of the Canaanites after the conquest. They would not be forced to live in the shadow of a rebellious culture's greatness. Apprentices now were present in the Hebrew commonwealth who had been given direction by master teachers who had been filled by God with the spirit of competence. *The nation would not be forever dependent on the continuing miracles of architectural revelation and Spirit-filled craftsmen*.

Men need self-confidence if they are to perform difficult tasks. If the two master craftsmen had been unable to impart their skills to others, then the society would have been aesthetically dependent on the one-time creation of two God-endowed men whose skills might not appear again. The Hebrews would then have lived in the fear of becoming aesthetic slaves to their experience in the wilderness, unable to take a progressive culture across the face of the globe in confidence.

Once the tabernacle was built, men who were recently trained in creative architecture could pass these skills down to their successors. This would not be easy in a wilderness. The locus of artistic creativity would have to be personal and local. Essentially, the source of demand must have been familial or tribal. The small scale of artistic creativity must have decentralized craftsmanship. This is one reason why we find no examples of magisterial artistry in the archeological digs of Israel.

Another reason was covenantal: they kept rebelling against God, and God kept delivering them into the hands of their enemies. There was a constant dispersion of Hebrew wealth out of the land. *The discontinuities of Hebrew ethical life led to discontinuities in Hebrew artistic life*. The disastrous cultural effects of these discontinuities are what Alfred Edersheim ignored when he wrote in the late-nineteenth cen-

tury that "Israel, as a nation, was not intended to attain pre-eminence either in art or science. If we may venture to pronounce on such a matter, this was the part assigned, in the Providence of God, to the Gentile world. To Israel was specially entrusted the guardianship of that spiritual truth, which in the course of ages would develop in all its proportions, till finally it became the common property of the whole world. On the other hand, it was the task assigned to that world, to develop knowledge and thought so as to prepare a fitting reception for the truth. . . ."[10] This dualism between Israel's spirit and culture was never intended by God, nor did it ever exist. There was a unity between Israel's spirit of rebellion and the continual uprootings that God imposed as His covenantal judgment. There was a unity between these uprootings and the inability of the Israelites to produce anything artistic that survived.

Finally, wood was used extensively both for the temple and Solomon's house. Wood does not survive for eons. Common people in the ancient world used mud-based materials for their homes, or else used animal skins or wood. Only the State could afford to use stone extensively. The self-professed divine State had an incentive to build stone monuments, then as now, as testimonies to their hypothetical eternality. A handful of these monuments survived to become tombstones to dead civilizations.

Conclusion

The teachers provided both *discontinuity and continuity*. They provided discontinuity with the pagan past by enabling the Hebrews to break with Egypt and the surrounding Canaanite cultures. At the same time, their ability to instruct others provided continuity into a covenantal future, for the nation of Israel would not become stagnant architecturally. They could build a temple which would utilize some of the implements of the tabernacle. They could take the land of Canaan in the knowledge that what they might destroy in battle could be rebuilt, and not through imitation. Architecturally speaking, they had abandoned the monumental leaven of Egypt and had been given a new leaven which would enable the cultural loaf to rise in the promised land. They had abandoned the pyramids.

The presence of teachers enabled the Israelites to make use of the division of labor, both in time and across time. Much of the artistry

10. Alfred Edersheim, *Bible History: Old Testament*, 7 vols. (Grand Rapids, Michigan: Eerdmans, [1890] 1972), V, pp. 70–71.

of the tabernacle was eventually transferred to the temple. Later generations continued the work in this way. The teachers brought God's presence to the people, not ritually but instead artistically. The artists were not God, but their skills manifested the instructions of God. There is a reason why artists have been regarded throughout history as special people, even mediatorial between man and God.

CONCLUSION TO TOOLS OF DOMINION

I have more understanding than all my teachers: for thy testimonies are my meditation. I understand more than the ancients, because I keep thy precepts.

PSALM 119:99–100

Christians should take David's words seriously. He defined personal progress in history in terms of a better understanding of God's revealed laws. He could measure his progress beyond anything achieved by those who had preceded him, not in terms of better study techniques, or improved means of communication, or greater per capita wealth, but in terms of his mastery of God's precepts.

Modern man regards such an idea of historical progress as preposterous. Sad to say, so does the modern Christian. This is why modern society is headed either for an enormous series of disasters or an enormous and culturally comprehensive revival. God will not be mocked. His covenantal sanctions—blessings and cursings—still operate in history.

Part 3 is an exposition of God's covenantal case laws from an economic point of view. This strategy is theologically appropriate in the early twenty-first century, for modern man worships at his own shrine in the hope of achieving unbroken compound economic growth per capita. It was originally published as *Tools of Dominion: The Case Laws of Exodus* (1990). It is a work of casuistry: the application of conscience to moral decisions. Conscience needs a reliable guide: biblical law.

Casuistry has not been a popular academic endeavor within Bible-believing Protestantism since the late seventeenth century. The only works I can think of that are anything like this volume in scope are Richard Baxter's enormous study, *A Christian Directory*, written in 1664–65 and first published in 1673, and Samuel Willard's equally

massive commentary on the Westminster Shorter Catechism, *A Compleat Body of Divinity* (1726). Baxter's goal was basically the same as mine: "I do especially desire you to observe, that the resolving of *practical Cases of Conscience*, and the reducing of Theological knowledge into *serious Christian Practice*, and promoting a *skilful facility* in the faithful exercise of universal obedience and Holiness of heart and life, is the great work of this Treatise; . . ."[1] Unlike Baxter, I had access to my library when I wrote my book; he did not, having been barred from his pulpit by the state (after the Restoration of Charles II in 1660), and having to write most of it from memory, only subsequently checking the original sources.

A. Ignoring the Case Laws

The major problem I had in writing this book is that there are very few books that even explain the case laws, let alone take them seriously. There are at least three approaches to (or, more accurately, justifications for the rejection of) the case laws.

1. The Case Laws as Annulled

This is the standard Christian view. It has been the common viewpoint almost from the beginning of the church. Basically, it boils down to this: a compromise with late classical philosophy's natural law theory began in the early centuries of the church. Christian scholars appealed to universal human reason as the source of rational man's universal knowledge of civil law. This law was seen as natural, meaning that it is implicitly in the common possession of all rational men.

There was an early recognition on the part of church scholars and leaders that an appeal to Old Testament case laws could not be conformed intellectually to natural law theory. They understood the obvious question: "If these laws were universally binding on all men, then why did God have to reveal the specifics of His law to the Israelites, and only to them?" This, in fact, is a very good Christian rhetorical answer to those who declare the universality of natural law. The answer is simple: *there is no such thing as a universal system of rational natural law that is accessible to fallen human reason*. But this answer was too radical to suit scholars and apologists in the early church, just as

1. Richard Baxter, *A Christian Directory: Or, A Summ of Practical Theologie, and Cases of Conscience* (London: Robert White for Nevil Simmons, [1673] 1678), unnumbered page: the second page of "Advertisements."

it has been too radical for Christians ever since. It involves a sharp break with the doctrine of natural law.

The early commentators were sorely tempted to seek a way out of their common-ground apologetic diffculty by interpreting Paul's language regarding the annulment of the law's eternal death sentence against redeemed mankind to mean that the Mosaic Covenant's legal order is in no way judicially binding on New Testament society. They abandoned the concept of God's historical sanctions as applicable in New Testament history. They lumped together Mosaic civil case laws with the Mosaic Covenant's laws of ritual cleanliness, and then they dismissed both standards of law. This tradition lives on in modern conservative Christian theology.

2. The Case Laws as Antiquarian

Christian Bible commentators pass over these laws on the assumption that they are only of antiquarian interest. Commentators almost never attempt to explain how these laws might have worked in ancient Israel. They never discuss how they might be applied in the New Testament era. Also, the commentators are unfamiliar with even the rudiments of economic theory, so their comments on the economic implications of these verses are almost nonexistent. Their few brief observations are what the reader could readily have figured out for himself.

Another major problem is this: far too often, the commentators cmpare the biblical text with fragments of the legal texts of the surrounding Near Eastern cultures. This is not an evil practice in itself, but it is when they make the unproven assumption that Israel must have borrowed its legal code from these pagan cultures. They never discuss the possibility that Israel's law code preceded these pagan extracts, which once again raises the question of the need for the reconstruction of biblical and Near Eastern chronologies.[2]

3. The Case Laws as Mythical

Theologically liberal Bible scholars are so enamored with biblical "higher criticism" that they pay little attention to the meaning of the biblical texts. They prefer instead to spend their lives inventing multiple authors for each text, re-dating subsections in order to make the Book of Exodus appear to be a composite document written centuries after the exodus event (which many of them downplay

2. Appendix A: "The Reconstruction of Egypt's Chronology."

anyway).[3] When commentators believe that the oldest laws are remnants of some "primitive nomadism" or else imports from pagan law codes, they have no incentive to think through how these laws should be applied today. When they view most of the case laws as late developments that were inserted retroactively into older biblical texts for political reasons, they have little incentive to understand them as specific historical applications of permanent general principles. Jews and gentiles alike are afflicted with Bible scholarship that relies on the principles of higher criticism.

B. Useless Commentaries

An Economic Commentary on the Bible is not a typical Bible commentary. The typical Bible commentary judiciously avoids the really diffcult questions, especially in the area of ethics. It also neglects all but the most obvious of the economic principles involved. It is painful to discover how little practical information is provided by the typical modern Bible commentary. It is understandable why people seldom use them after having bought them. Reality does not meet expectations when it comes to Bible commentaries. Yet people continue to buy them. Most commentaries sit unused on most pastors' book shelves. Maybe their primary use is decorative. I gave up on most Bible commentaries early in this project. I use them mainly to keep myself from making major linguistic or textual errors. This is why you will find very few references to Bible commentaries in my footnotes. I long ago stopped wasting my time trying to find economic and judicial information in them. Or, as the economist would say, "the marginal return on each additional invested unit of my time spent in reading them was consistently below the marginal cost." In short, the information costs were too high per unit of relevant data.

1. Jewish Commentaries

If Christian commentaries are unhelpful, what about commentaries written by Jews? They are not much better. I did not find the commentaries written by medieval Jews more than occasionally useful in writing this commentary, including the Talmud. Until the mid-nine-

3. In recent years, this has been changing to some degree. The arcane intricacies of the many rival textual reconstructions have led to such a cobweb of complexity that scholars prefer to avoid trying to untangle it. Thus, scholars are sorely tempted to do what was once considered a breach of faith: Treat the text as a unit when searching for its meaning.

teenth century, Jewish scholarship focused almost exclusively on the Talmud, which was completed around A.D. 500, parts of which extended back to several centuries before Christ in the form of oral tradition.[4] The Talmud was the huge compilation of Rabbinical comments on the Mishnah, the Pharisees' oral tradition of comments on the laws of Moses.

Traditional Jewish commentaries on ethics often deal with highly specific legal cases involving economic disputes between men in a rabbinical court, or academic disputes among the rabbis, but there is seldom an attempt to spell out the general economic principles guiding any decision of a Jewish court. At best, the rabbis may try to explain why certain forms of restitution are imposed in certain cases, but nothing beyond a kind of common-sense view of economic justice. Thus, Jewish religious scholars until very recently did not bring their great skills of erudition and detailed scholarship to bear on the modern world. "Secular" topics did not interest them, and even today, most Jews who have become illustrious academically in so many fields display little or no interest in the Talmud.

There is a very important reason why the writings of Jewish legal scholars and judges prove to be of little assistance: Jewish courts after Bar Kokhba's revolt failed in 135 A.D. were not allowed to impose specifically biblical sanctions. Very few gentiles are aware of this, and I suspect that few Jews are, either. When the Romans captured Jerusalem and burned the Temple in A.D. 70, the ancient offcial Sanhedrin court came to an end. The rabbis, under the leadership of Rabbi Johanan ben Zakkai, then took over many of the judicial functions of the Sanhedrin.[5] They established as a principle that every Jewish court must have at least one judge who had been ordained by the laying on of hands (*semikah*), and who could in principle trace his ordination back to Moses. This laying on of hands could take place only in the Holy Land. Legal scholar George Horowitz explained: "A court not thus qualified had no jurisdiction to impose the punishments prescribed in the Torah."[6] After Bar Kokhba's revolt, the Jews were scattered across the Roman Empire in the diaspora. "The Rabbis were compelled, therefore, in order to preserve the Torah and to maintain law and order, to enlarge the authority of Rabbinical tribu-

4. See Appendix L: "Maimonides's *Code*: Is It Biblical?"

5. George Horowitz, *The Spirit of Jewish Law* (New York: Central Book Co., [1953] 1963), pp. 92–93.

6. *Ibid.*, p. 93.

nals. This they accomplished by emphasizing the distinction between Biblical penalties and Rabbinical penalties. Rabbinical courts after the second century had no authority to impose Biblical punishments because they lacked *semikah*: but as regards penalties created by Rabbinical legislation, the Rabbis had of necessity, accordingly, a whole series of sanctions and penalties: excommunications, fines, physical punishment, use of the 'secular arm' in imitation of the Church, etc."[7] Thus, by the time of the Mishnah, which was Rabbi Judah the Prince's authoritative late-second-century compilation of rabbinical laws, Jewish courts had already abandoned the Mosaic law's sanctions.

Because they were tied intellectually and ethically to the Mishnah, to the Talmud, and to the judicial literature produced in terms of this ancient tradition, Jewish commentators have never attempted to produce anything like the kind of Bible commentary that mine represents. I am aware of no Jewish compilation of Old Testament case laws that is organized in terms of the Ten Commandments or any other biblical organizational principle (e.g., the covenant) that is comparable to R. J. Rushdoony's *Institutes of Biblical Law*. Furthermore, despite the intellectual dominance of economists who are Jews,[8] there is as yet no body of scholarship known as Jewish economics.[9] This is in sharp contrast to the Islamic academic community, which has produced a growing body of self-consciously Islamic economic literature, especially since 1975.[10] With the exception only of Pro-

7. *Idem*.

8. Murray Rothbard, an agnostic Jew and a defender of free market economics, once made the observation that "The fate of Western Civilization will be determined by whether our Jews beat their Jews." He presumably had in mind Ludwig von Mises, Israel Kirzner, and Milton Friedman (in his anti-regulatory writings) vs. Karl Marx, Paul Samuelson, Lawrence Klein, etc.

9. The two titles that might be offered as examples of such scholarship are quite recent: Aaron Levine, *Free Enterprise and Jewish Law* (New York: Ktav Publishing House, Yeshiva University Press, 1980); Meir Tamari, *"With All Your Possessions": Jewish Ethics and Economic Life* (New York: Free Press, 1987). Neither study is particularly theoretical or detailed in its practical applications. They are more like introductory surveys of a handful of themes in the Talmud that are related to economics.

10. See Muhammed Nejatullah Siddiqi, *Muslim Economic Thinking: A Survey of Contemporary Literature* (Leicester, England: Islamic Foundation, 1981); Muhammed Akram Khan, *Islamic Economics: Annotated Sources in English and Urdu* (Leicester, England: Islamic Foundation, 1983). A cursory list of English-language examples of this literature includes the following: Ibnul Hasan (ed.), *In Search of an Islamic Economic Model* (London: New Century Publishers, 1983); Afzal-Ur-Rahman, *Economic Doctrines of Islam*, 4 vols. (Lahore, Pakistan: Islamic Publications Limited, 1974–82); Muazzam Ali (ed.), *Islamic Banks and Strategies of Economic Cooperation* (London: New Century Publications, 1982); Mohammed Muslehuddin, *Insurance and Islamic Law* (Lahore, Pakistan: Islamic Publications, 1969); Muslehuddin, *Economics and Islam* (Lahore, Paki-

fessor Israel Kirzner, I can think of no contemporary academically recognized Jewish economist[11] who might agree with Rabbi Chajes' mid-nineteenth-century pronouncement: "Allegiance to the authority of the said [oral] rabbinic tradition is binding upon all sons of Israel, because these explanations and interpretations have come down to us by word of mouth from generation to generation, right from the time of Moses. They have been transmitted to us precise, correct, and unadulterated, and he who does not give his adherence to the unwritten law and the rabbinic tradition has no right to share the heritage of Israel; he belongs to the Sadducees or the Karaites who severed connection to us long ago."[12]

2. Orthodox Judaism

During the twentieth century in the West, Orthodox Judaism almost disappeared from sight in the United States, so widespread was the defection of millions of Jews who were assimilated into modern America. By Chajes' definition, there are today few Jews remaining in the world, except in the State of Israel. Even the term "Orthodox Judaism" indicates the nature of the problem; it was originally a term of derision used by liberal Jews in the nineteenth century against their traditionalist opponents. Grunfeld wrote: "The word 'Orthodoxy', on the other hand, which was applied by the Reformers to what they called 'Old-Timers' or 'Old-Believers' (Altgläubige), was

stan: Islamic Publications, 1974); Alhaj A. D. Ajijola, *The Islamic Concept of Social Justice* (Lahore, Pakistan: Islamic Publications, 1977); Muhammed Nejatullah Siddiqi, *Banking Without Interest* (Leicester, England: Islamic Foundation, 1983); Siddiqi, *Issues in Islamic Banking: Selected Papers* (Leicester, England: Islamic Foundation, 1983); Siddiqi, *Partnership and Profit-Sharing in Islamic Law* (Leicester, England: Islamic Foundation, 1985); M. Umer Chapra, *Towards a Just Monetary System* (Leicester, England: Islamic Foundation, 1985); Waqar Masood Khan, *Towards an Interest-Free Islamic Economic System* (Leicester, England: Islamic Foundation, 1985); Raquibuz M. Zaman, *Elimination of Interest from the Banking System in Pakistan* (Karachi: State Bank of Pakistan, 1985). I do not believe that Shaikh Mahmud Ahmad's book, *Economics of Islam* (Lahore, Pakistan: Ashraf Press, 1947), is representative of recent Islamic economic thought in general; the book is a socialist polemic in the name of Islam.

11. Kirzner was not a prominent academic figure, but he was the only Austrian School economist who has a solid reputation among academic economists. Kirzner's dual mastery of the Talmud and the works of Ludwig von Mises is not visible in his writings; the two fields were kept by Kirzner in hermetically sealed separate academic compartments. Few professional economists are aware that he was known as a rabbi in Orthodox Jewish circles. See Aaron Levine, *Free Enterprise and Jewish Law*, p. xi.

12. Z. H. Chajes, *The Student's Guide Through the Talmud* (London: East and West Library, 1952), p. 4. The Karaites were a sect of Judaism established in 767 A.D. by Jews in Babylon. They did not accept the Talmud or the idea of an oral tradition stretching back to Moses.

taken from the sphere of Christian theology and does not fit Judaism at all, in which the main stress is laid on action or law and not on 'faith', as the Greek term orthodox would express. Nevertheless, once the word 'Orthodoxy' had been thrown at Hirsch and his followers in a derogatory sense, he accepted the challenge with the intention of turning that word into a name of honour."[13] Notice his assertion regarding Judaism that "the main stress is laid on action or law and not on 'faith.'" This is indeed the main stress of orthodox Judaism, which nevertheless has an underlying theology: *salvation by law*. Robert Goldenberg observed: "Classical Judaism, drawing indirectly on its biblical antecedents, tends to emphasize act over intention, behavior over thought. Righteousness is chiefly a matter of proper behavior, not correct belief or appropriate intention."[14] In contrast, Christianity stresses salvation by faith in Christ. But this faith means faith in Christ's *representative perfect obedience to God's perfect law.* Christian orthodoxy should never lead to a denial of the validity and moral authority of the perfect law that Christ obeyed perfectly.

C. Revolution and Law

I am convinced that both the West and the Far East are about to experience a major transformation. The pace of social change is already rapid and will get faster. The possibility grows daily of a terrorist attack with a mini-neutron bomb against a government;[15] so does the possibility of chemical and biological warfare;[16] so does the threat of a pandemic. None of these threats to civilization may prove in retrospect to be devastating, but they are certainly perceived today as threats. Added to these grim possibilities is the much more predictable threat of an international economic collapse as a result of the vast build-up of international debt; this in turn could produce domestic political transformations. Drug addiction is spreading like

13. I. Grunfeld, "Samson Raphael Hirsch–The Man and His Mission," in *Judaism Eternal: Selected Essays from the Writings of Samson Raphael Hirsch* (London: Soncino Press, 1956), p. xlvii.

14. Robert Goldenberg, "Law and Spirit in Talmudic Religion," in Arthur Green (ed.), *Jewish Spirituality: From the Bible Through the Middle Ages* (New York: Crossroad, 1986), p. 232.

15. Sam Cohen, "The Coming Neutron Bomb Threat," *Wall Street Journal* (May 15, 1996). Cohen invented the neutron bomb in the late 1950s. He told me that the government's denial of this new technology matches its dismissal of his technology a generation ago. Telephone discussion with Cohen, Sept. 14, 1996.

16. Joseph D. Douglas and Neil C. Livingstone, *America the Vulnerable: The Threat of Chemical and Biological Warfare* (Lexington, Massachusetts: Lexington Books, 1987).

a plague. Agricultural output may be endangered, long term, by weather changes[17] and also by soil erosion. We are not sure. What Christians should be certain of is this: *God has been plowing up the ethically erosion-prone world since World War I, and this process is accelerating*.

This has created a unique opportunity for Christian revival, but this time revival could lead to a broad-based cultural transformation. Revival could produce an international revolution: family by family, church by church, nation by nation. For a true social revolution to take place, there must be a transformation of the legal order. This sort of transformation takes several generations, but without it, there has been no revolution, only a *coup d'etat*.[18] There is today an international crisis in the Western legal tradition.[19] This fact testifies to the likelihood of a comprehensive, international revolution—not necessarily violent, but a revolution nonetheless. The Holy Spirit could produce such a revolution without firing a shot or releasing a virus into the atmosphere. This is my prayer. It should be every Christian's prayer.

Harold Berman's point is correct. *Without a transformation of the legal system, there is no revolution*. This is why I am devoting so much space to explaining the case laws of Exodus. It is these laws, and their amplification in the Book of Deuteronomy, that must serve as the foundation of any systematically, self-consciously Christian revolution. Natural law is a dead mule; it was always a sterile hybrid, and Darwinism has long-since killed the last known living specimens.[20] Anti-theistic conservative philosophers and a handful of traditional Roman Catholic and Protestant college instructors and magazine columnists still visibly cling to one or another of these taxidermic specimens, each proclaiming that his specimen is still alive. Thus, there is nowhere for Christians to turn for guidance in developing a believable social theory and workable social programs except to the case laws of the Old Testament. Once the myth of neutrality is aban-

17. More likely cooling than warming.

18. Harold J. Berman, *Law and Revolution: The Formation of the Western Legal Tradition* (Cambridge, Massachusetts: Harvard University Press, 1983), p. 20.

19. *Ibid*., pp. 33–41.

20. R. J. Rushdoony wrote: "Darwinism destroyed this faith in nature. The process of nature was now portrayed, not as a perfect working of law, but as a blind, unconscious energy working profligately to express itself. In the struggle for survival, the fittest survive by virtue of their own adaptations, not because of natural law. Nature produces many 'mistakes' which fail to survive and become extinct species and fossils. The destiny of the universe is extinction as its energy runs down." Rushdoony, *The Biblical Philosophy of History* (Vallecito, California: Ross House, [1963] 2000), p. 7.

doned—really abandoned, not just verbally admitted to be a myth—then the inevitable question arises: By what standard? Christians who have abandoned faith in the myth of neutrality have only one possible answer: "By *this* standard: biblical law."[21]

D. The Conflict Between Two Kingdoms

What I am attempting to do with my life is to publish Christian worldview materials that will lead to the steady replacement of the humanist intellectual foundations of modern civilization. *The arena of conflict is nothing less than world civilization*. The issue is the kingdom of God, both in heaven and on earth (Matt. 28:18).[22]

1. Kingdom as Civilization

There are many books that deal with the kingdom of God, but my view of the kingdom of God as it is visibly manifested in history is simple: it is God's authorized and morally required *civilization*. It is simultaneously internal (world-and-life view), ethical (a moral law-order), and institutional (covenantal judicial relationships). Raymond Zorn began his book on the Kingdom of God with these words: "In the broadest sense God's Kingdom refers to the most extended reaches of His sovereignty. As Psalm 103:19 puts it, 'The Lord hath prepared his throne in the heavens; and his kingdom ruleth over all.'"[23] The kingdom of God is all-encompassing, in the same sense that a civilization is all-encompassing.[24] I agree in principle with the

21. Greg L. Bahnsen, *By This Standard: The Authority of God's Law Today* (Tyler, Texas: Institute for Christian Economics, 1985).

22. Kenneth L. Gentry, *The Greatness of the Great Commission* (Tyler, Texas: Institute for Christian Economics, 1990).

23. Raymond O. Zorn, *Church and Kingdom* (Philadelphia: Presbyterian and Reformed, 1962), p. 1. Zorn, an amillennialist, stressed the kingdom as the reign of God rather than the sphere or domain of His rule (p. 1). Greg Bahnsen's response to this sort of argument is correct: it is ridiculous to speak of the reign of a king whose kingdom has few if any historical manifestations that are as comprehensive in scope as his self-proclaimed sovereignty. Such a limited definition of God's kingdom and kingship is in fact a denial of God's kingdom. Bahnsen, "The World and the Kingdom of God" (1981), reprinted as Appendix D in Gary DeMar and Peter J. Leithart, *The Reduction of Christianity: A Biblical Response to Dave Hunt* (Ft. Worth, Texas: Dominion Press, 1988).

24. I agree with Geerhardus Vos' statement: "While thus recognizing that the kingdom of God has an importance in our Lord's teaching second to that of no other subject, we should not go to the extreme into which some writers have fallen, of finding in it the only theme on which Jesus actually taught, which would imply that all other topics dealt with in his discourses were to his mind but so many corollaries or subdivisions of this one great truth.... Salvation with all it contains flows from the nature and subserves the glory of God...." Geerhardus Vos, *The Teaching of Jesus Concerning*

Jewish scholar, I. Grunfeld, who wrote that "true religion and true civilisation are identical. It is the view of the Torah as the civilisation of the state of God—where Torah is coextensive with life in all its manifestations, personal, economic, political, national."[25]

Nothing less than this *comprehensive replacement* of humanism, Islam, and occultism with Christianity will suffce to please God. We are called to work for the progressive replacement of humanist civilization by Christian civilization, a replacement that was definitively achieved with the death, resurrection, and ascension of Jesus Christ, and manifested by the coming of the Holy Spirit at Pentecost. We are to *replace* Satan's humanistic kingdoms. "Kingdom" is an inescapable concept. It is never a question of kingdom vs. no kingdom; it is always a question of *whose* kingdom. Rushdoony was correct in his evaluation of mankind's inevitable quest for utopia, the final order, which only God can inaugurate and bring to pass. Rushdoony wrote: "The church accordingly has never been alone in history but has rather faced a multiplicity of either anti-Christian or pseudo-Christian churches fiercely resentful of any challenge to their claim to represent the way, truth and life of that final order. The modern state, no less than the ancient empire, claims to be the vehicle and corporate body of that true estate of man. As the incarnation of that final order, it views family, church, school and every aspect of society as members and phases of its corporate life and subject to its general government. It is in terms of this faith, therefore, that the state claims prior or ultimate jurisdiction over every sphere, and steadily encroaches on their activity."[26]

2. Comprehensive Revival

Christian Reconstructionists are self-consciously attempting to lay new intellectual foundations for a comprehensive moral and there-

---

the Kingdom and the Church (Grand Rapids, Michigan: Eerdmans, 1958), p. 11. I am saying that the kingdom of God is inherently all-encompassing culturally. In fact, I am convinced that the best biblical definition of "kingdom" is *civilization*. The kingdom of God is the civilization of God—internal, external, heavenly, earthly, historical, and eternal.

25. Grunfeld, "Samson Raphael Hirsch–The Man and His Mission," *Judaism Eternal*, I, p. xiv. Obviously, I do not agree with Grunfeld's next sentence: "This concept is applicable, of course, only when there is a Jewish State, or at least an autonomous Jewish Society, which can be entirely ruled by the Torah." This statement provides evidence of the accuracy of Vos' analysis of Jewish teaching concerning the Kingdom of heaven: "The emphasis was placed largely on what the expected state would bring for Israel in a national and temporal sense. Hence it was preferably thought of as the kingdom of Israel over the other nations." Vos, *Kingdom and the Church*, p. 19.

26. R. J. Rushdoony, Foreword, in Zorn, *Church and Kingdom*, pp. xix–xx.

fore intellectual, social, political, and economic transformation of the world. Not until at least the preliminary steps in this theological and intellectual transformation are accomplished should we expect God to send worldwide revival. If the coming revival is not comprehensive in its effects, it will no more change the world permanently than earlier revivals have changed it permanently. The regeneration of people's souls is only the first step on the road to comprehensive redemption. Christian philosopher Cornelius Van Til, who died in 1987, issued a warning: "The temptation is very great for the believers in these times when the Church is in apostasy, and its conquest of the world for Christ seems to be losing out, that they shall spend a great deal of their time in passive waiting instead of in active service. Another danger that lurks at a time of apostasy is that the few faithful ones give up the comprehensive ideal of the kingdom and limit themselves to the saving of individual souls."[27] We need a comprehensive revival that will produce comprehensive redemption.[28]

The message of the kingdom of God rests on a concept of *salvation that is supernaturally imparted*, not politically imparted. The kingdom of God is categorically not a narrow political program of social transformation. It is rather a supernaturally imposed salvational program that inevitably produces world-changing political, social, legal, and economic effects. Geerhardus Vos taught at Princeton Theological Seminary from 1893 until 1932. His book on the kingdom was published in 1958. I agree with his assessment regarding the ethical character of Christ's kingdom. "The kingdom represents the specifically *evangelical* element in our Lord's teaching.... Jesus' doctrine of the kingdom as both inward and outward, coming first in the heart of man and afterwards in the external world, upholds *the primacy of the spiritual and ethical* over the physical. The invisible world of the inner religious life, the righteousness of the disposition, the sonship of God are in it made supreme, the essence of the kingdom, the ultimate realities to which everything else is subordinate. The inherently ethical character of the kingdom finds subjective expression in the demand for repentance."[29] But ethics does not begin and end with personal behavior. It extends into every nook and cranny of life —wherever sin

27. Cornelius Van Til, *Christian Theistic Ethics*, vol. III of *In Defense of Biblical Christianity* (Phillipsburg, New Jersey: Presbyterian & Reformed, [1958] 1980), p. 122.

28. Gary North, "Comprehensive Redemption: A Theology for Social Action" (1976), in North, *Is the World Running Down? Crisis in the Christian Worldview* (Tyler, Texas: Institute for Christian Economics, 1988), Appendix C.

29. Vos, *Kingdom and the Church*, pp. 102–3.

exercises influence. The kingdom of God competes with the kingdom of Satan—disguised as the kingdom of man—for control over history. To limit the kingdom of God to the human heart, the Christian family, and the Christian church is to surrender the rest of the world to Satan. *This is pre-emptive surrender*. Jesus Christ will have none of it. "And Jesus came and spake unto them, saying, All power is given unto me in heaven and in earth" (Matt. 28:18). God did not give Christ all power on earth in order for Christians to hand it back to Satan.

The primary need today, as always, is the need for widespread personal repentance before God. We therefore need a Holy Spirit-initiated Christian revival to extend the kingdom of God across the face of the earth. If we do not get this revival soon, my work and the work of those who were involved in the Biblical Blueprints project (1986–87) will remain curiosities, and then become antiquarian curiosities, until the revival comes.

3. Blueprints and Responsibility

Without a bottom-up religious transformation of civilization, the policies that we Christian Reconstructionists recommend will at best have only a peripheral influence on society. We expect the revival and this bottom-up transformation, if not in our own lifetimes, then eventually. The Bible's blueprints for society will eventually be universally adopted across the face of the earth as the waters cover the sea (Isa. 11:9).[30] Christian Reconstructionists regard this as historically inevitable. This confidence is what makes the theonomic postmillennial worldview so hard-nosed and uncompromising. We annoy almost every Christian who has doubts about the earthly triumph of God's kingdom, which means that we initially alienate just about everyone who reads our materials. Our antinomian Christian critics call us arrogant. Bear in mind that the word "arrogant" usually means "a confident assertion of something I don't approve of."

Christians who doubt the future earthly triumph of God's kingdom tend to be less confident and less sure about the practical reliability of the Bible's blueprints. Sometimes they even deny that the Bible offers such blueprints. If it does offer such blueprints, then evangelical Christians have major responsibilities outside the sanctuary and the family. This prospect of worldwide, culture-wide responsibility frightens millions of Christians. They have even adopted eschatol-

30. J. A. De Jong, *As the Waters Cover the Sea: Millennial Expectations in the Rise of Anglo-American Missions, 1640–1810* (Kampen, Netherlands: J. H. Kok, 1970).

ogies that assure them that God does not hold them responsible for anything so comprehensive as the transformation of today's sin-filled world. They do not believe that God offers to His church the tools, skills, and time necessary for such a generations-long project of social transformation. Therefore, they adopt the philosophy that says that Christians should not even try to reform society, for such efforts are futile, wasteful, and shift precious resources from the only legitimate tasks of the church: preaching individual salvation to the lost, and sustaining the converted spiritually in a time of inevitable cultural decline. They equate social reform programs with polishing brass on a sinking ship. As dispensationalist newsletter writer Peter Lalonde remarked concerning Christians who possess such a vision of God's world-transforming kingdom in history, "It's a question, 'Do you polish brass on a sinking ship?' And if they're working on setting up new institutions, instead of going out and winning the lost for Christ, then they're wasting the most valuable time on the planet earth right now, and that is the serious problem. . . ."[31] He devoted his career to promoting popular dispensationalism, focussing on prophecies that are supposedly being fulfilled in our day, despite the fact that academic dispensationalism has always taught that the clock of prophecy stopped in A.D. 70 and will not start again until the Rapture. His ministry was overwhelmingly devoted to prophecy, not evangelism or foreign missions. His audience was fundamentalist Protestants who were looking for an escape from this world without having to die.

E. Doubt vs. Dominion

Christians, paralyzed by their own versions of eschatological pessimism, have not taken advantage of the growing self-doubt that is progressively paralyzing their humanistic opponents.

1. The Paralysis of Despair

Christians should recognize the extent of the despair that has engulfed those who have rejected the idea that the Bible is the infallible Word of God. An example of such despair is the following:

> We live in a time in which old perspectives informing our understanding of the world have been seriously shaken by events of modern times. In many cases these old perspectives have collapsed; they no longer hold as our centers. . . . Against the backdrop of such events, an erosion of tradi-

31. Tape One, *Dominion: A Dangerous New Theology, in Dominion: The Word and the New World Order*, a 3-tape set distributed by the Omega-Latter, Ontario, Canada, 1987.

> tional values has taken place—an erosion which has left us feeling that we [are] adrift in a sea of relativity in which anything, including such evils as the holocaust or nuclear war might be rationalized as "necessary." It is with this experience that we know that the cultural foundations have been shaken. We know that we are no longer guided by a vision of coherence and relatedness concerning our individual existence. We know that we are no longer bound together by a set of values infused with a common sense of destiny. Our sense of destiny, if any, is dominated by an uneasiness and sense of foreboding about the future. The future itself is now feared by many as the ultimate danger to the fragile hold we have on whatever security we have achieved in the present. All of this has left some to question the meaning of their endeavors, while it has left many with a sense of isolation and loneliness. The irony is that this new sense of insecurity has come at a time when the material well-being of those in the advanced industrial nations has reached a height hitherto undreamed of.[32]

This is precisely what the Book of Deuteronomy predicts for a society that has covenanted with God, has been blessed with external wealth, and then has forgotten God in its humanistic confidence (Deut. 8:17): "... the LORD shall give thee there a trembling heart, and failing of eyes, and sorrow of mind: And thy life shall hang in doubt before thee; and thou shalt fear day and night, and shalt have none assurance of thy life" (Deut. 28:65b–66). This sort of widespread pessimism leads either to cultural collapse or revival. The first is taking place visibly, yet revival is also becoming more likely. My mentor, sociologist Robert Nisbet asked this question: "[W]hat is the future of the idea of progress? Any logical answer must be that the idea has no future whatever if we assume the indefinite, prolonged continuation of the kind of culture that has become almost universal in the West in the late twentieth century. If the roots are dying, as they would appear to be at the present time, how can there be shrub and foliage?"[33] But, he then asked, "is this contemporary Western culture likely to continue for long? The answer, it seems to me, must be in the negative—if we take any stock in the lessons of the human past." He made no prophecies—much of his academic career has been devoted to reminding us that such comprehensive cultural prophecies are always overturned by the facts of the future[34]—but he was correct when he wrote that "never in history have periods of culture such as our own

32. Howard J. Vogel, "A Survey and Commentary on the New Literature in Law and Religion," *Journal of Law and Religion*, I (1983), p. 151.

33. Robert A. Nisbet, *History of the Idea of Progress* (New York: Basic Books, 1980), p. 355–56.

34. Nisbet, "The Year 2000 And All That," *Commentary* (June 1968).

lasted for very long." He saw "signs of the beginning of a religious renewal in Western civilization, notably in America."[35]

2. The Paralysis of Guilt

This should not be a time for pessimism among Christians. Yet it is. They are missing an opportunity that has not been seen since the late eighteenth century, and possibly since the resurrection of Christ. A universal world civilization now exists for the first time since the Tower of Babel. It is disintegrating morally as it grows wealthy. It is ripe for the harvest.

A successful harvesting operation requires tools. To take advantage of this unique historical opportunity, Christians need tools of dominion—blueprints for the reconstruction of the world. But Christians today do not see that God has given them the tools of dominion, His revealed law. They agree with the humanists who in turn agree among themselves, above all, that the Bible offers society no specific legal standards for comprehensive reform and reconstruction. They agree with such statements as the one made by the editor of *The Journal of Law and Religion*, who was also a professor of Constitutional law at a Catholic law school.

> First, I assume that the Bible is not a detailed historical blueprint for American society, and that it does not contain much concrete guidance for the resolution of specific political conflicts or constitutional diffculties such as slavery and racism, sexism and equal opportunity to participate in society. The biblical traditions are not to be viewed as an arsenal of prooftexts for contemporary disputes. Contextual leaps from the situations in which the biblical authors wrote to the situations with which we find ourselves faced are likewise to be avoided.[36]

Notice that he raised the controversial issue of slavery. So did a professor of Hebrew scriptures at Notre Dame University in Indiana: "Then there is the larger hermeneutical issue of the Christian appropriation of Old Testament law and the binding nature of biblical norms and stipulations in general. Who today, for example, would be prepared to argue that laws concerning the conduct of war or slavery retain their binding authority for the Christian or for anyone else?"[37] Who would? I would, and so would those who call themselves Chris-

35. Nisbet, *History*, p. 356.

36. Edward McGlynn Gaffney, Jr., "Of Covenants Ancient and New: The Influence of Secular Law on Biblical Religion," *Journal of Law and Religion*, II (1984), pp. 117–18.

37. Joseph Blenkinsopp, "Biblical Law and Hermeneutics: A Reply to Professor Gaffney," *ibid.*, IV (1986), p. 98.

tian Reconstructionists. This is why Christian Reconstruction represents a radical challenge to modern antinomian Christianity and modern humanism.

The enemies of God continue to bring up the issue of slavery in their war against Christianity. They seek to make Christians feel guilty regarding Christianity's theological and historical legacy. Christianity unquestionably condoned and even sanctioned chattel slavery until the nineteenth century. The enemies of Christianity then trace this judicial sanctioning of chattel slavery back to the Old Testament. In this way, they seek to create a sense of guilt and doubt in their targeted victims. They understand that guilt-ridden people are not effective opponents of the prevailing messianic social order. Rushdoony was correct when he said that "The reality of man apart from Christ is guilt and masochism. And guilt and masochism involve an unbreakable inner slavery which governs the total life of the non-Christian. The politics of the anti-Christian will thus inescapably be *the politics of guilt*. In the politics of guilt, man is perpetually drained in his social energy and cultural activity by his over-riding sense of guilt and his masochistic activity. He will progressively demand of the state a redemptive role. What he cannot do personally, i.e., to save himself, he demands that the state do for him, so that the state, as man enlarged, becomes the human savior of man."[38]

That Christians failed for many centuries to challenge chattel slavery is a black mark in the history of the church. But to lay the blame at the doorstep of the Bible is either a mistake or an ideological strategy. If this book persuades Christians that this doubt-inducing accusation against the Bible regarding its supposed support of chattel slavery is false, then it will have achieved a major success.

F. Embarrassed by God's Laws

What we find in our day is that Christians despise biblical law almost as much as secular humanists do. Christians have begun to adopt arguments similar to those used by the English Deists. For example, they attack the very thought of stoning drunken, gluttonous sons—not young children, but adult sons who are living at home with their parents, debauching themselves—as some sort of "crime against humanity," when stoning them is specifically a civil sanction authorized

38. R. J. Rushdoony, *Politics of Guilt and Pity* (Vallecito, California: Ross House, [1970] 1995), p. 9.

by God (Deut. 21:18).[39] The very idea of execution by public stoning embarrasses Christians, despite the fact that public stoning is by far the most covenantally valid form of execution, for God's law requires the witnesses to cast the first stones, and it also requires representatives of the entire covenantal community to participate directly, rather than hiding the act in a sanitary room in some distant prison. The Bible is clear: "The hands of the witnesses shall be first upon him to put him to death, and afterward the hands of all the people. So thou shalt put the evil away from among you" (Deut. 17:7).

1. Stoning and Personal Responsibility

Stoning was a communal activity, an aspect of the civil covenant: sanctions. It took place outside the town (Lev. 24:14; Num. 15:35–36; I Kings 21:13). "If sentence was passed with the help of eye-witnesses, the witnesses had to begin the execution (Deut. 17:7). This was to discourage frivolous testimony in court."[40] Boecker argued that it was a form of excommunication, and that those stoned were not entitled to burial in the family plot, but he cited no Scriptural evidence. "For the ancients, the criminal was possessed of a real guilt which jeopardised the community. By covering the evil-doer with stones outside the town, the evil that he could spread was banished."[41] This argument is ridiculous. It is a theological liberal's self-conscious attempt to reinterpret the Bible's covenantal concepts as magical. The execution of the evil-doer was suffcient to stop the spread of his evil. The pile of stones was intended rather to serve as a covenantal reminder. Each pile of stones testified to the reality of covenant sanctions, a monument to God's judgment of cursing in history, just as the stones from the River Jordan were made into a memorial of God's judgment of the deliverance of Israel (Josh. 4:7–8).

Public stoning forces citizens to face the reality of the ultimate civil sanction, execution, which in turn points to God's ultimate sanction at judgment day. Stoning also faithfully images the promised judgment against Satan: the crushing of his head by the promised Seed (Gen. 3:15). Because most people, including Christians, do not want to think about God's final judgment, they prefer to assign to distant unknown executioners the grim task of carrying out God's

39. Ed Dobson and Ed Hindson, "Apocalypse Now?", *Policy Review* (Fall 1986), p. 20.

40. Hans Jochen Boecker, *Law and the Administration of Justice in the Old Testament and Ancient East*, translated by Jeremy Moiser (Minneapolis, Minnesota: Augsburg, [1976] 1980), p. 40.

41. *Idem*.

judgment in private. This privatization of execution is immoral; it is itself criminal. It is unjust to the convicted criminal,[42] and it is unjust to the surviving victims, who do not see God's justice done in public. The *systematic impersonalism of capital punishment* is the problem, not capital punishment as such. This deliberate impersonalism has corrupted the entire penal system today.[43]

The growth of impersonalism has been a problem for the West from the beginning. Even in the days of public executions, several centuries ago, the axeman wore a face mask. The Bible does not allow the establishment of a professional, taxpayer-financed guild of faceless executioners who, over time, inevitably either grow callous and impersonal toward their awful (full of awe) task, or else grow sadistic. Instead, the Bible imposes personal responsibility on members of society at large for enforcing this ultimate sanction. But people in the Christian West have always refused to accept this God-imposed personal responsibility. They prefer to make a lone executioner psychologically responsible for carrying out the sentence rather than participate in this covenantal responsibility, as God requires. This refusal to accept personal responsibility by citizens led to a crisis in Western jurisprudence in the twentieth century. Decade by decade, the more consistent haters of God's law have become politically dominant. They have used the same kinds of arguments against capital punishment in general that embarrassed Christians had accepted in their rejection of public stoning. Step by step, society eliminates capital punishment. Men's hatred of God's law is steadily manifested covenantally in modern civil law.

---

42. Public stoning would allow a condemned man to confront the witnesses and his executioners. The idea of a private execution where the condemned person cannot have a final word to those who have condemned him is anything but liberal-minded. It was long considered a basic legal privilege in the West for a condemned person to have this final opportunity to speak his mind. The sign of the intolerance of the "liberal" French Revolutionaries was their unwillingness to allow King Louis XVI to speak to the crowd at his execution. The judges had ordered drummers to begin drumming the moment he began to speak, which they did. Leo Gershoy, *The French Revolution and Napoleon* (New York: Appleton-Century-Crofts, 1933), p. 238.

43. Whereas men used to be flogged in public or put in the stocks for a few days, we now put them in hidden jails that are filled with a professional criminal class (as well as with AIDS-carrying homosexual rapists). This impersonalism of punishment has been paralleled by a steady bureaucratization and institutionalization of the penal system. The guards in prisons tend to become as impersonal and callous as their prisoners. Bukovsky wrote of Soviet prisons: "There's no real difference between the criminals and their guards. Except for the uniforms. The slang is the same, the manners, concepts, psychology. It's all the same criminal world, all joined by an unbreakable chain." Vladimir Bukovsky, *To Build a Castle–My Life as a Dissenter* (New York: Viking, 1978), p. 334.

It is painfully clear that most Christians today are embarrassed by God. He set forth laws that seem barbaric to modern Christians. The question is: Whose law is barbaric? Also, whose society honors the principles of civil righteousness? Finally, how can Christians answer this accurately if they reject God's revealed law as morally repulsive?

2. Economic Restitution

A considerable percentage of this book is devoted to a defense of the biblical concept of penal restitution. *Convicted criminals are supposed to make restitution payments to their victims*. This "revolutionary" idea is at last being taken seriously by a few judges in the United States.[44] But behind the ability of today's civil courts to impose the sanction of restitution lies a greater threat to the criminal: *imprisonment*. This is the "dirty little secret" of those atheists, pietists, and antinomians who ridicule the biblical system of slavery. They have accepted the horror of unproductive imprisonment in place of the biblical institution of penal labor servitude, out of which an industrious slave could purchase his freedom. If the criminal in ancient Israel was financially unable to pay his victim, his sale to a slave-buyer was what provided the victim with his lawful restitution payment. The prison system has always been the Bible-hater's preferred substitute for the Old Testament's system of law-restricted labor servitude. In short, in order to enforce the Bible's principle of economic restitution to victims by criminals, there always has to be a more fearful support sanction in reserve: death, imprisonment, whipping, banishment, or indentured servitude. But only one of these reserve sanctions raises money for the victims: indentured servitude. The critics of biblical law never remember to mention this fact.

G. The Fear of God's Law

This hatred of God's law has affected millions of Christians who sing the old hymn, "O How Love I Thy Law." Even when they do not actively hate it (and most do), they are afraid of it. They have not studied it, and they have been beaten into intellectual submission by humanists, Christian antinomians, and those who fear personal and cultural responsibility.

A discouraging example of this is Dr. James Dobson, whose books, films, and daily radio broadcasts on Christian family issues inspired

44. For example, Lois G. Forer, *Criminals and Victims: A Trial Judge Reflects on Crime and Punishment* (New York: Norton, 1980).

millions of Americans, and who by 1988 had become the Protestant evangelical leader in the United States with the largest and most dedicated following.[45] He led the fight against abortion and pornography, and the fight for home schooling and the re-establishment of godly disciplining of children in the home. Nevertheless, in a pamphlet against abortion, he rejected as inapplicable the single most important passage in the Bible that deals with abortion, one which makes abortion a capital crime, Exodus 21:22–25. In response to a preposterous misinterpretation of this passage by a state-licensed, profit-seeking "Christian" murderer (a pro-abortion gynecologist), Dr. Dobson did not refute the misinterpretation, but instead dismissed the Old Testament case laws as inappropriate guides for contemporary Christian righteousness. He asked his critic rhetorically:

> Do you agree that if a man beats his slave to death, he is to be considered guilty only if the individual dies instantly? If the slave lives a few days, the owner is considered not guilty (Exodus 21:20–21)[?] Do you believe that we should stone to death rebellious children (Deuteronomy 21:18–21)? Do you really believe we can draw subtle meaning about complex issues from Mosaic law, when even the obvious interpretation makes no sense to us today? We can hardly select what we will and will not apply now. If we accept the verses you cited, we are obligated to deal with every last jot and tittle.[46]

What we see here is an attempt to avoid dealing with "every last jot and tittle" of God's inspired word. Yet it was Jesus who warned His people: "Till heaven and earth pass, one jot or one tittle shall in no wise [way] pass from the law, till all be fulfilled" (Matt. 5:18). Are we to ignore this? Dr. Dobson did. Admittedly, it is possible to argue that "heaven and earth" here mean the Old Covenant order, and that the fall of Jerusalem did fulfil the law. It is also possible to argue, as James Jordan has argued, that the death of Christ buried the law, and that His resurrection restored it in a new form, with the various dietary and ritual cleansing laws fulfilled (and therefore annulled in history) by the resurrection (Acts 10; I Cor. 8). But this does not absolve us from the diffcult task that so disturbed Dr. Dobson, namely, selecting "what we

45. Pat Robertson, by resigning from the ministry and also from his *700 Club* television show in his quest for the Presidency in early 1988, inescapably exchanged his office of religious commentator for that of political activist. After his defeat in the Republican Party primaries, he returned to television, and he retained a large following, though smaller than when he left. His leadership role was probably perceived even by his most admiring followers as being different from what it had been before he entered politics.

46. James Dobson, "Dialogue on Abortion," in Dobson and Gary Bergel, *The Decision of Life* (Arcadia, California: Focus on the Family, 1986), p. 14.

will and will not apply now." To retreat from this task of applied Christianity is to turn over the running of the world to pagan humanists and their theological allies, Christian antinomians. *It is to turn the medical world over to the God-hating abortionists who are opposed so vigorously by Dr. Dobson*. Yet this is precisely what every publicly visible Christian leader did throughout the twentieth century, and what almost all of them did after the late seventeenth century. It is universally assumed by Christians that the case laws of Exodus are null and void, and *should* be. It is this assumption that this book is designed to challenge.

The tools of dominion, God's law, sit unused and generally unread by those who call themselves Christians. They are the best weapons that Christians possess for moral self-defense, because the best defense is a good offense, yet they steadfastly refuse to use them. To use God's Bible-revealed law effectively would require them to become intimately familiar with its many subtleties and complex applications, and even less appealing, to discipline themselves in terms of it. They prefer to let it sit unopened, either in their laps or on their shelves. Christians therefore continue to lose the war for civilization.

H. Tom Paine's Demon: The Bible

We know where antinomian (anti-God's law) theology has headed in the past: to Unitarianism, atheism, and bloody revolution. It winds up with the words of Tom Paine: that in consideration of "the obscene stories, the voluptuous debaucheries, the cruel and torturous executions, the unrelenting vindictiveness, with which more than half the Bible is filled, it would be more consistent that we called it the word of a demon, than the word of God."[47]

Is the Old Testament the word of a demon? If not, then why do antinomian Christians—liberals and conservatives, neo-evangelicals and fundamentalists—continue to ridicule Old Testament law? They stick their fists in the face of the God of Psalm 119, and shout in defiance of His law: "Is God really nothing more than the abstract, impersonal dispenser of equally abstract and impersonal laws?"[48] Yes, He is *much* more than this. Among other things, He is the Eternal Slavemaster over those who rebel against Him, the dispenser not of abstract law but of personally experienced agony forever and ever. Hell is real. The lake of fire is real. God is therefore not to be mocked. But He

47. *The Age of Reason*, Part I; cited by David Brion Davis, *The Problem of Slavery in the Age of Revolution, 1770–1823* (Ithaca, New York: Cornell University Press, 1975), p. 525.
48. Rodney Clapp, "Democracy as Heresy," *Christianity Today* (Feb. 20, 1987), p. 23.

has many mockers, and many of these mockers call themselves by His name. They do not fear Him.

Another major alternative to Paine's sort of outright apostasy is some variation of Marcion's second-century heresy of the two-gods theory of history. He said that an evil god operated in the Old Testament, but a nice god runs the world today. (For more details, see below: "The Continuing Heresy of Dualism.") Robert Davison was correct when he said that a "Marcionite tendency may be fairly traced in much modern discussion of Christian ethics, nor is this tendency confined to scholarly discussion."[49]

The third alternative is dispensationalism: God used the revealed laws of the Bible to govern people before the advent of Christ, but today we have new laws in operation, meaning vague, undefined personal laws, and no specifically New Testament cultural laws at all. The road to cultural impotence is paved with neat (and ultimately unworkable) solutions to diffcult biblical problems. Slavery is one of these diffcult problems.

We must search for the moral principle that undergirded each Old Testament law. When we find it, we can then begin to discuss how or to what extent God expects the civil government or some other government to enforce it today. Those who begin with the presupposition that a particular Old Testament law or God-required Israelite practice was innately evil have already taken the first step toward Paine's view: The Bible is the word of a demon.

Christians today are afraid of the laws in the Bible. They are actually embarrassed by these laws. They do not recognize that biblical law is a two-edged sword of God's judgment: blessing for the righteous, but cursing for the unrighteous (Rom. 13:1–7). They do not understand that *God's law-order for society is merciful*. For example, God allows the death penalty for kidnappers (Ex. 21:16).[50] The death penalty used to be imposed on kidnappers in the United States, and kidnapping was rare. It is no longer imposed regularly, and kidnapping has become a blight. Kidnapping by terrorists in Europe is commonplace in the 1980s in the final stages of European Marxism. Who says that God's law regarding kidnapping is too harsh? Harsher than kidnapping itself? So it is with *all* of God's civil laws. They are merciful compared

49. Robert Davison, "Some Aspects of the Old Testament Contribution to the Pattern of Christian Ethics," *Scottish Journal of Theology*, 12 (1959), p. 374; cited by Walter Kaiser, *Toward Old Testament Ethics* (Grand Rapids, Michigan: Zondervan Academie, 1983), p. 23.

50. Chapter 34.

with the effects of unpunished evil. The modern world is learning just how unmerciful a society can be that is not governed by biblical law.

I. "Theocraphobia": Fear of God's Rulership

When, in a court of law, the witness puts his hand on the Bible and swears to tell the truth, the whole truth, and nothing but the truth, so help him God, he thereby swears on the word of God—the *whole* word of God, and *nothing but* the word of God. The Bible is a unit. It is a "package deal." The New Testament did not overturn the Old Testament; it is a *commentary* on the Old Testament. It tells us how to use the Old Testament properly in the period after the death and resurrection of Israel's Messiah, God's Son.

1. The New Testament and Biblical Law

Jesus said: "Think not that I am come to destroy the law, or the prophets: I am come not to destroy, but to fulfil. For verily I say unto you, Till heaven and earth pass, one jot or one tittle shall in no wise [way] pass from the law, till all be fulfilled. Whosoever therefore shall break one of these least commandments, and shall teach men so, he shall be called the least in the kingdom of heaven: but whosoever shall do and teach them, the same shall be called great in the kingdom of heaven" (Matt. 5:17–19). Christ took the Old Testament seriously enough to die for those condemned to the second death (Rev. 20:14) by its provisions. The Old Testament is not a discarded first draft of God's word. It is not "God's word (emeritus)."

If anything, the New Testament law is more stringent than the Mosaic law, not less stringent. Paul wrote that an elder cannot have more than one wife (I Tim. 3:2). The king in the Old Testament was forbidden to have multiple wives (Deut. 17:17). This was not a general law, unless we interpret the prohibition of Leviticus 18:18 as applying to all additional wives, and not just to marrying a woman's sister, as ethicist John Murray interpreted it.[51] If we attempt to interpret Leviticus 18:18 in Murray's fashion, the question arises: Why specify kings as being prohibited from becoming polygamists if the same law applied to all men anyway? Possibly to prohibit the system of

51. John Murray, *Principles of Conduct* (Grand Rapids, Michigan: Eerdmans, 1957), Appendix B. Catholic theologian Angelo Tosato agreed with him: "The Law of Leviticus 18:18: A Reexamination," *Catholic Biblical Quarterly*, vol. 46 (1984), pp. 199–214. They are not followed in this view by most Protestant commentators, nor by Nachmanides, who said that the verse applies only to a woman's sister: Rabbi Moshe ben Nachman [Ramban], *Commentary on the Torah: Leviticus* (New York: Shilo, [1267?] 1973), p. 255.

political covenanting through marriage. Certainly, there is no equally clear-cut Old Testament prohibition against polygamy comparable to I Timothy 3:2, which indicates a tightening of the legal requirements for at least church officers. The New Testament appears to be more rigorous than the Old in this instance. Another alteration in marriage law that we find in the New Testament is the abolition of concubinage that resulted from Christ's fulfillment of the terms of the Old Testament's bride price system.[52] There are no more second-class wives.

Dominion Christianity teaches that there are four covenants under God, meaning four kinds of *vows* under God: personal (individual), and the three institutional covenants—ecclesiastical, civil, and familial.[53] All other human institutions (business, educational, charitable, etc.) are to one degree or other under the jurisdiction of one or more of these four covenants. No single human covenant is absolute; therefore, no single human institution is all-powerful. Thus, Christian liberty is *liberty under God and God's law*, administered by plural legal authorities.

What of the dominion covenant (Gen. 1:27–28)?[54] It was given to all mankind through Adam. Unlike the other four, the dominion covenant requires no formal oath by man, for the oath was taken by God on mankind's behalf. "Let us make man in our image, after our likeness. . . ." The dominion covenant was imposed on Adam before he was created. It defines man as God's covenantal agent. Men cannot escape from its primary legal requirement: to exercise dominion over the creation.[55] The dominion covenant precedes and is superior to the other four oath-bound covenants, because it defines man's tasks. The other covenants are governed by the dominion covenant's requirements. It had no negative sanctions in its original form, but its specific application did: the penalty for violating the ban on the tree of the knowledge of good and evil.

2. Biblical Pluralism

There is no doubt that Christianity teaches pluralism, but a very special kind of pluralism: *plural institutions* under God's single comprehensive law system. It does *not* teach a pluralism of law structures,

52. Chapter 32.

53. Ray R. Sutton, *That You May Prosper: Dominion By Covenant*, 2nd ed. (Tyler, Texas: Institute for Christian Economics, [1987] 1992), ch. 4.

54. Gary North, *Sovereignty and Dominion: An Economic Commentary on Genesis* (Dallas, Georgia: Point Five Press, 2012), ch. 4.

55. The command to multiply is specifically directed to the family covenant and is limited to history.

or a pluralism of moralities, for this sort of hypothetical legal pluralism (as distinguished from *institutional* pluralism) is always either polytheistic or humanistic.[56] Christians are required to take dominion over the earth by means of all three God-ordained institutions, not just the church, or just the state, or just the family. *The kingdom of God includes every human institution, and every aspect of life, for all of life is under God and is governed by His unchanging principles*. All of life is under God and God's law because God intends to *judge* all of life *in terms of* His law.[57]

In this structure of *plural governments*, the institutional churches serve as *advisors* to the other institutions (the Levitical function), but the churches can only pressure individual leaders through the threat of excommunication. As a restraining factor on unwarranted church authority, an excommunication by one local church or denomination is always subject to review by another, if and when the excommunicated person seeks membership elsewhere. Thus, each of the three covenantal institutions is to be run under God, as interpreted by its lawfully elected or ordained leaders, with the advice of the churches, not their compulsion.

All Christians are in principle theocrats. All Christians say that God rules the universe. God (*theos*) rules (*kratos*). Theocracy means simply that *God rules*. He rules in every area of life: church, state, family, business, science, education, etc. There is no zone of neutrality. There is no "king's x" from God. Men are responsible for everything they think, say, and do. God exercises total jurisdiction. Jurisdiction means law (*juris*) and speaking (*diction*). God *speaks* His word. It is a comprehensive word. Anyone who says that God's law does not apply to some area of life is thereby saying that God does not have jurisdiction in that area: "No law—no jurisdiction."

3. A Scare Word

The word "theocracy" is a scare word that humanists and frightened Christians use to chase dedicated Christians away from areas of their God-given responsibility. The critics focus on politics and civil government, as if God's rule in this area were somehow evil. Because almost all humanists today believe in salvation through legislation,[58]

56. Gary DeMar, *Ruler of the Nations: The Biblical Blueprints for Government* (Ft. Worth, Texas: Dominion Press, 1987), ch. 3.

57. *Ibid.*, ch. 4.

58. The exceptions to this rule are classical liberals and free market economists like F. A. Hayek and Milton Friedman, traditional conservatives like Russell Kirk and Wil-

they necessarily believe that politics is the primary means of social healing.[59] Marxists have been the most consistent defenders of human transformation through political action: the religion of revolution.[60] Because Christians are today so used to thinking in these humanistic categories, they seldom think to themselves: "Wait a minute. I know that God rules the family, and the government of my family should reflect this fact. God also rules the church, and the government of my church is supposed to reflect this fact. I know that God rules all civil governments, too. So, why should it be evil for Christians to work hard to see to it that the civil government reflects this fact, just as they do in their families, churches, and businesses?" In short, why should politics be outside the realm of God-honoring Christian action?[61]

Humanist critics present Christians with a kind of mental image: a scarecrow that is locked in the stocks of Puritan New England. Every time a Christian walks by this scarecrow, a tape recorded message blares out: "Beware of theocracy! Beware of theocracy!" If the critics meant, "Beware of ecclesiocracy," meaning civil rule by the institutional church, they would have a valid point, but they mean something different: "Beware of Christians in every area of life who seek to exercise biblical dominion under God by obeying *and enforcing* God's holy law."

What "Beware of theocracy!" really means is, "Beware of God's righteous rule!"

J. De-Funding the Welfare-Warfare State

Those who reject the theocratic ideal are ready to accuse Calvinists of being tyrants. Historian Ronald Wells of Calvin College wrote an attack on Francis Schaeffer, which appeared in a collection of essays that is best described as a neo-evangelical tirade. He pointed to the unfootnoted and unmentioned links between certain aspects of Schaeffer's social thought and Christian Reconstructionism, and then observed: "This tendency to promote one's own view by 'law' has always been the dangerous part of Calvinism: one sees Calvinists

liam F. Buckley, neo-conservatives like Irving Kristol, and outright anarchists like Murray N. Rothbard.

59. R. J. Rushdoony, *The One and the Many: Studies in the Philosophy of Order and Ultimacy* (Vallecito, California: Ross House, [1971] 2007), chaps. 2–5, 8–9, 11.

60. Gary North, *Marx's Religion of Revolution: Regeneration Through Chaos*, rev. ed. (Tyler, Texas: Institute for Christian Economics, 1989).

61. George Grant, *The Changing of the Guard: The Biblical Blueprint for Politics* (Ft. Worth, Texas: Dominion Press, 1987).

in power as triumphal and dictatorial.... Calvinists in power have wielded that power oppressively."[62]

I suspect that we Reconstructionists were Mr. Wells' target, for we are the only Christians on earth calling for the building of a biblical theocracy. What I also suspect is that what really disturbs our neo-evangelical academic critics is that we perceive this theocracy as a system of decentralized power. We call for a vast purging of present-day national power, both political and economic. We call for the dismantling of the welfare-warfare state, most notably every aspect of taxpayer-financing for education.[63] I have called for a reduction of aggregate taxes to the level required by I Samuel 8: where all levels of civil government *combined* are allowed to collect *less than 10%* of the *net increase* of annual private personal productivity.[64] The local sales tax should be the primary local tax. I support the abolition of all state and national direct taxation, which includes the graduated income tax, the Social Security tax, the corporate income tax, the capital gains tax, and all sales taxes of citizens, including tariffs. I recommend the abolition of all direct taxation by any agency of civil government above the local township or county. Every other level of civil government would be forced to seek its revenues by taxing the level of civil government immediately below it. Civil governments above the most local would have to live off the revenues collected from other civil governments. This would decentralize power with a vengeance.

The model here is the church. A local church has a right to require a tithe of its voting members. Those who vote to spend the money should share an equal percentage burden in funding the local church. But what if, after paying their tithes to the local church, the members were required to pay an even larger amount to the bishop? And after paying his office, the denomination's council of bishops required an even larger payment? We would see an exodus from hierarchical denominations and millions of newly converted Baptists, Congregationalists, and Pentecostals. Local congregations may be asked by the hierarchy to fund the hierarchy, but members' direct donations to the hierarchy are voluntary. To argue otherwise is to defend ecclesiastical tyranny. What Christians can easily understand with respect

62. Ronald A. Wells, "Schaeffer on America," in Ronald W. Ruegsegger (ed.), *Reflections on Francis Schaeffer* (Grand Rapids, Michigan: Zondervan Academie, 1986), p. 237.

63. Robert L. Thoburn, *The Children Trap: Biblical Blueprints for Education* (Ft. Worth, Texas: Dominion Press, 1986).

64. Gary North, *Healer of the Nations: Biblical Blueprints for International Relations* (Ft. Worth, Texas: Dominion Press, 1987), p. 61.

to church government, they reject when applied to civil government: the taxpayer as a sheep to be sheared by separate levels of shearers.

The Reconstructionists' version of theocracy is a decentralized system of multiple competing governments in which the modern messianic state and its economic subsidies would be dismantled. By modern political standards, such a vision of the shrinking of the centralized power civil government is nothing short of utopian.

In short, if the Reconstructionists' version of theocracy were to be voted into operation, the tenured, subsidized intellectual class to which our academic critics belong would experience the end of its taxpayer-financed bonanza. An entire class would have to enter the competitive free market and seek productive employment. Customers would reward former college professors in terms of what customers want to buy, not what state legislatures want to buy. There would be no more compulsory education and no more tax support of existing schools. This fear, rather than the fear of tyranny, may well be the true underlying concern of our critics.

K. Majority Rule

The Bible does not allow the imposition of some sort of top-down bureaucratic tyranny in the name of Christ. The kingdom of God requires a bottom-up society. The bottom-up Christian society rests ultimately on the doctrine of *self*-government under God, with God's law as the publicly revealed standard of performance.[65] It is the humanists' view of society that promotes top-down bureaucratic power.

The basis for building a Christian society is evangelism and missions that lead to a widespread Christian revival, so that the great mass of earth's inhabitants will place themselves under Christ's protection, and voluntarily use His covenantal laws for self-government. Christian reconstruction begins with personal conversion to Christ and self-government under God's law; then it spreads to others through revival; only later does it bring comprehensive changes in civil law, when the vast majority of voters voluntarily agree to live under biblical blueprints.

Let us get this straight: *Christian reconstruction depends on majority rule*. Of course, the leaders of the Christian Reconstruction movement expect a majority eventually to accept Christ as savior. We believe in postmillennialism.[66] Those who do not share our confidence

65. DeMar, *Ruler of the Nations*, ch. 2.

66. David Chilton, *Paradise Restored: A Biblical Theology of Dominion* (Ft. Worth, Texas:

concerning the future success of the gospel, as empowered by the Holy Spirit, believe that an earthly kingdom must be imposed by force from the top down (premillennialism),[67] or else they do not believe in an earthly institutional kingdom at all (amillennialism).[68] Postmillennialists disagree, for several reasons.

Premillennialism and amillennialism both deny that the preaching of the gospel can ever bring a majority of people to faith in Christ, thereby bringing in the earthly kingdom of God in history on a voluntary basis, person by person, culture by culture. Premillennialist author Dave Hunt went so far as to argue that such a person-by-person extension of God's kingdom is literally impossible for God to achieve.[69] Thus, in order to produce universal peace on earth, premi-

---

Dominion Press, 1985); Roderick Campbell, *Israel and the New Covenant* (Tyler, Texas: Geneva Divinity School Press, [1954] 1981); R. J. Rushdoony, *Thy Kingdom Come: Studies in Daniel and Revelation* (Vallecito, California: Ross House, [1971] 2001).

67. The accountant and popular dispensationalist author Dave Hunt wrote: "During His thousand-year reign, Christ will visibly rule the world in perfect righteousness from Jerusalem and will impose peace on all nations. Satan will be locked up, robbed of the power to tempt. Justice will be meted out swiftly." Hunt, *Beyond Seduction: A Return to Biblical Christianity* (Eugene, Oregon: Harvest House, 1987), p. 250. If Satan is unable to tempt mankind, then any evil that calls forth Christ's justice must be man-based evil. In a taped interview with Peter Lalonde, released in early 1987, Hunt said: "Christ himself is physically here. And He has us, the redeemed in our resurrection bodies, that nobody can kill us. And we are helping Him to maintain order. He is forcing this world to behave, and He gives a restoration of the Edenic state, so that the desert blossoms like a rose, and the lion lies down with the lamb, and you've got paradise on earth, once again, with Christ Himself maintaining it and, even better than the garden of Eden, Satan is locked up for a thousand years." *Dominion and the Cross*, Tape One of *Dominion: The Word and the New World Order*, op. cit., 1987. It should be pointed out that Hunt's argument that resurrected saints will return to rule with Jesus during the earthly millennium has long been rejected by dispensational theologians at Dallas Theological Seminary. Resurrected saints will be dwelling in a place called the heavenly Jerusalem, argued J. Dwight Pentecost: "The Relation between Living and Resurrected Saints in The Millennium," *Bibliotheca Sacra*, vol. 117 (October 1960), pp. 335–37. See also John F. Walvoord, *The Rapture Question*, rev. ed. (Grand Rapids, Michigan: Zondervan Academie, 1979), pp. 86–87.

68. Oddly enough, Hunt also denied that there can ever be an earthly kingdom, even in the dispensational millennium. He said in his taped interview: "What happens at the end of this time, when Satan is loosed? He deceives the nations and like the sand of the seashore, so many—a multitude. They gather their armies and come against Christ in Jerusalem. And, of course, that is when they finally have to be banished from God's presence forever. I believe it's the final proof of the incorrigible nature of the human heart. So, Christ Himself cannot make humanity behave. He cannot by legislation, or by political or military or coercive means, establish this kingdom." *Ibid*., Tape Two

69. He said this: "In fact, dominion—taking dominion and setting up the kingdom for Christ—is an *impossibility*, even for God. The millennial reign of Christ, far from being the kingdom, is actually the final proof of the incorrigible nature of the human heart, because Christ Himself can't do what these people say they are going to do—

llennialists have always maintained, Jesus will have to impose a top-down bureaucracy when He comes to reign in person.

In opposition to this view, amillennialists deny the premillennial doctrine that Jesus will ever physically return in history. They insist (as postmillennialism also insists) that Jesus will physically appear only at the end of history at the final judgment. They therefore deny (in contrast to postmillennialism) the possibility of an earthly manifestation of God's comprehensive kingdom of God in history.

Because of their joint denial of the widespread acceptance of the gospel at any point in history, premillennialists and amillennialists alike invariably associate the word "theocracy" with some sort of top-down, power-imposed, widely resisted rule that is imposed by an elite. Premillennialists accept this as a valid system of civil rule, but only if Christ personally and physically runs it from the top of the bureaucratic pyramid. Amillennialists deny that Christ will ever do this in history, so they deny bureaucratic theocracy's legitimacy at any point in the pre-final judgment future.

First, we Calvinistic postmillennialists disagree with both groups concerning the supposed impotence of the gospel to change whole societies, person by person. We believe that the Holy Spirit will *impose* His will on the recalcitrant hearts of huge numbers of people, just as He has always imposed His will on each recalcitrant heart every time He has saved anyone from his sins. God is utterly sovereign in election and salvation. He changes people's hearts, transforming them so that they can respond in faith to the free offer of the gospel. "The king's heart is in the hand of the LORD, as the rivers of water: he turneth it whithersoever he will" (Prov. 21:1). This is the only way that anyone has ever been saved, for the natural man does not receive the things of the Spirit, for they are foolishness to him (I Cor. 2:14). The natural man does not partially receive the things of the Spirit in his unsaved state; he rejects the very idea that such a wrathful God exists. Thus, he needs to be transformed before he can accept the gospel.

Second, because we Calvinistic Christian Reconstructionists believe that the Holy Spirit forces hearts to change—the doctrine of irresistible grace—we also believe that human institutions are not allowed to seek to coerce men's hearts and minds. Such coercion of the human will, meaning its transformation prior to the prior permission of the individual whose will is being transformed, is a monopoly that

---

New Agers or Manifested Sons." (Verbal emphasis in the original interview.) *Dominion*, Tape Two.

belongs exclusively to God. We insist that coercion is an inescapable concept in history. It is never a question of coercion vs. no coercion. It is always a question of *whose* coercion. We affirm the power of the Holy Spirit to change men's souls—to declare judicially that they are saved, and therefore possess Christ's righteousness—and to change them ethically at the point of their ethical transformation. Those who deny this exclusive power of the Spirit in transforming the lives of covenant-breakers instinctively expect to find coercion somewhere else: in human institutions—either humanist or "theocratic-bureaucratic"—or in a future personal kingdom ruled by Christ in Person.

Third, because we postmillennialists find it taught in the Bible that there will be a future outpouring of this soul-transforming Holy Spirit—the only possible basis of the Bible's prophesied millennial blessings—we disagree with premillennialists concerning the limited extent of the Spirit's work in the future. The kingdom will not be brought in by a bureaucratic, international, theocratic regime imposed by Jesus in person, but by the heart-transforming work of the Holy Spirit. We therefore disagree with them concerning the supposed necessity of defining theocracy as a top-down social transformation. God's kingdom rule is always bottom-up: *self-government under God*. So, we do not call for a theocratic bureaucracy, either now or in the future. Such a top-down bureaucracy is not called for in the Bible, is impossible to maintain without unlawful coercion, and is not necessary to impose to bring in the kingdom. Christian Reconstructionists call instead for a decentralized, international, theocratic *republic*. Such a republic is ethically necessary, now and in the future, and it will be historically possible in the future, when the Holy Spirit begins His visibly triumphant sweep of the nations.

If postmillennialism is incorrect, and the Holy Spirit does not act to bring huge numbers of people to eternal life, then Christians must be content with only partial social reconstruction, and only partial external blessings from God. The earthly manifestations of God's heavenly kingdom will necessarily be limited. When we pray, "Thy kingdom come, thy will be done in earth, as it is in heaven," we should expect God to answer this prayer. But premillennial Christians teach that God will *never* answer this prayer before Jesus comes again physically to rule the world in person. If they are correct, then we will not see the pre-second coming advent of a holy commonwealth in which God's laws are honored. We must content ourselves with less.

It is not possible to ramrod God's blessings from the top down,

unless you are God. Only humanists think that man is God. Christian Reconstructionists are trying to get the ramrod away from them, and then to melt it down. This melted ramrod could then be used to make a great grave marker for humanism: "The God That Failed."

L. The Continuing Heresy of Dualism

Dualism teaches that the world is inherently divided: spirit vs. matter, or law vs. mercy, or mind vs. matter, or nature vs. grace. What the Bible teaches is that this world is divided *ethically* and *personally*: Satan vs. God, right vs. wrong, freedom vs. tyranny. The conflict between God and Satan will end at the final judgment. Whenever Christians substitute some other form of dualism for ethical dualism, they fall into heresy and suffer the consequences. This is what has happened today. We are suffering from revived versions of ancient heresies.

1. Marcion's Dualism

The Old Testament was written by the same God who wrote the New Testament. There were not two gods in history, meaning there was no dualism or radical split between the two testamental periods. There is only one God, in time and eternity.

This idea has had opposition throughout church history. An ancient two-gods heresy was first promoted in the church about a century after Christ's crucifixion, and the church has always regarded it as just that, a heresy. It was proposed by a man named Marcion. Basically, this heresy teaches that there are two completely different law systems in the Bible: Old Testament law and New Testament law (or non-law). But Marcion took the logic of his position all the way. He argued that two law systems means two gods. The god of wrath wrote the Old Testament, and the god of mercy wrote the New Testament. In short: "two laws—two gods."

You would be surprised how many Christians still believe something dangerously close to Marcionism: not a two-gods view, exactly, but a "God-who-changed-all-His-rules" view. They begin with the accurate teaching that the ceremonial laws of the Old Testament were fulfilled by Christ, and therefore that the *unchanging principles* of worship are *applied differently* in the New Testament, but then they erroneously conclude that the whole Old Testament system of civil law was dropped by God, and *nothing biblical was put in its place*. In other words, God created a sort of vacuum for civil law.

This idea turns civil law-making over to Satan. In our day, this

means that civil law-making is turned over to humanism. *Christians have unwittingly become the philosophical allies of the humanists with respect to civil law*. With respect to their doctrine of the state, therefore, most Christians hold what is in effect a two-gods view of the Bible.

2. Gnostic Dualism

Another ancient heresy that is still with us is gnosticism. It became a major threat to the early church almost from the beginning. It was also a form of dualism, a theory of a radical split. The gnostics taught that the split is between evil matter and good spirit. Thus, their goal was to escape this material world through other-worldly exercises that punished the body. They believed in *retreat from the world of human conflicts and responsibility*. Some of these ideas got into the church, and people started doing ridiculous things. So-called "pillar saints" became temporarily popular in the fifth century, A.D. A "saint" would sit on a platform on top of a pole for several decades without coming down. This was considered very spiritual.[70] (Who fed them? Who cleaned up after them?)

Thus, many Christians came to view "the world" as something permanently outside the kingdom of God. They believed that this hostile, forever-evil world cannot be redeemed, reformed, and reconstructed. At best, it can be subdued by power (maybe). Jesus did not really die for it, and it cannot be healed. This dualistic view of the world vs. God's kingdom narrowly restricted any earthly manifestation of God's kingdom. Christians who were influenced by gnosticism concluded that God's kingdom refers only to the institutional church. They argued that the institutional church is the *only* manifestation of God's kingdom.

This led to two opposite and equally evil conclusions. First, *power religionists* who accepted this definition of God's kingdom tried to put the institutional church in charge of everything, because it is supposedly "the only manifestation of God's kingdom on earth." To subdue the supposedly unredeemable world, which is forever outside the kingdom, the institutional church has to rule with the sword, they concluded. The institutional church must give orders to the state, and the state must enforce these orders with the sword. The institutional church must therefore concentrate political and economic power. *What then becomes of liberty*?

70. Kenneth Scott Latourette, *A History of Christianity* (New York: Harper & Row, 1953), pp. 228, 298.

Second, *escape religionists* who also accepted this narrow definition of the kingdom sought refuge from the evil world of matter and politics by fleeing to hide inside the institutional church, an exclusively "spiritual kingdom," now narrowly defined. They abandoned the world to evil tyrants. *What then becomes of liberty*? What becomes of the idea of God's progressive restoration of all things under Jesus Christ? What, finally, becomes of the idea of biblical dominion?

When Christians improperly narrow their definition of the kingdom of God, the visible influence of God's comprehensive kingdom, which is both spiritual and institutional at the same time, begins to shrivel up. The first heresy leads to tyranny *by* the church, and the second heresy leads to tyranny *over* the church. Both of these narrow definitions of God's kingdom destroy the liberty of the responsible Christian man, self-governed under God and God's law.

3. Manichaean Dualism

The last ancient pagan idea that still lives on is also a variant of dualism: matter vs. spirit. It teaches that God and Satan, good and evil, are forever locked in combat, and that good never triumphs over evil. The Persian religion of Zoroastrianism has held such a view for over 2,500 years. The enormously popular *Star Wars* movies were based on this view of the world: the "dark" side of "the force" against its "light" side. In modern versions of this ancient dualism, the "force" is usually seen as itself impersonal: individuals personalize either the dark side or the light side by "plugging into" its power.

There are millions of Christians who have adopted a very pessimistic version of this dualism, though not in an impersonal form. They believe that God's kingdom is battling Satan's, and God's is losing. History is not going to get better. In fact, things are going to get a lot worse externally. Evil will visibly push good into the shadows. The church is like a band of soldiers who are surrounded by a huge army of Indians. "We can't win, boys, so hold the fort until Jesus and the angels come to rescue us!"

That does not sound like Abraham, Moses, Joshua, Gideon, and David, does it? Christians read to their children the children's favorite story, David and Goliath, yet in their own lives, millions of Christian parents really think that the Goliaths of this world are the unbeatable earthly winners. Christians have not even picked up a stone.

Until very recently.

Conclusion

We must not come to the Old Testament with a sense of fear and loathing. The Old Testament provides us with a vision of victory and the tools of dominion, namely, God's Bible-revealed laws. These laws are not a threat to us as Christians; they are the foundation of our efforts to reconstruct society.

Christians have not wanted to think about God's Bible-revealed law. It reminds them of their sins of commission. It also reminds them of their sins of omission. They have failed to press the claims of Jesus Christ in every area of life. They have failed to challenge the sins of this age. They have refused to tell the world that God really does have specific answers for every area of life, including economics and politics. Christians have preferred to comfort themselves as they have sat in their rocking chairs in the shadows of history, rocking themselves back and forth, and saying over and over: "I am not a theocrat. I am not a theocrat." What this phrase means is simple: *God does not rule, so neither do I.*

But what if God *does* rule? What if He has given us the unchanging laws by which He expects His people to rule? What if He has given us the tools of dominion, and we have left them in the rain to rust? What will He do with our generation?

He will do just what He did with Moses' generation. He will leave us behind to die in the wilderness.

CONCLUSION TO AUTHORITY AND DOMINION

And he [Moses] took the book of the covenant, and read in the audience of the people: and they said, All that the LORD *hath said will we do, and be obedient.*

EXODUS 24:7

The Book of Exodus is the second book in the Pentateuch. Book 1, Genesis, has to do with the sovereignty of God, who is the Creator. Book 2, Exodus, has to do with God as the Deliverer. God is the supreme monarch in a hierarchy of authority. He possesses the authority (right) to deliver as well as the power (ability). The Book of Exodus, like the exodus event itself, was designed to verify this authority and power.

Most of all, Exodus is what Moses said it is, the book of the covenant. It therefore bears the marks of all five aspects of the biblical covenant: transcendence/immanence, hierarchy/representation, ethics/dominion, oath/sanctions, and succession/inheritance.[1] The first chapter of Exodus indicates that a war between rival covenants was the heart of the dispute between God and Pharaoh. Pharaoh attempted to impose his own alternative covenant on the Hebrews. It, too, had the same five aspects, and this confrontation reveals all five. This covenant structure appears twice in the first chapter: a double witness.

A. The Pharaoh's Covenantal Program

The first presentation of the Pharaoh's covenantal program appears in the Bible's description of his general rule over the Hebrews. First, transcendence/immanence: the book begins with the advent of a false god, the Pharaoh who had forgotten Joseph (Ex. 1:8). Second, hi-

1. Acronym: THEOS.

erarchy: this false god immediately established a tyrannical hierarchy over the people of Israel, with "taskmasters to afflict them with their burdens" (v. 11). Third, law: he forced them to build treasure cities for him (v. 11). But their afflictions led to even greater growth in their population (v. 12), threatening Pharaoh's program of dominion. Fourth, sanctions: he announced a program of infanticide (v. 16). Fifth, inheritance: he was seeking to destroy their inheritance in the land by killing their male children, but allowing the females to survive—an attempt to capture the inheritance of Israel through future concubinage. Egypt would marry Israel, God's bride, steal the bride's God-granted dowry, and declare her a concubine.[2]

The second presentation of the Pharaoh's covenantal program appears in the Bible's description of his enforcement of the infanticide decree. To achieve this program of stealing the Hebrews' inheritance, Pharaoh (the self-proclaimed sovereign) assigned this task of infanticide to representative agents, the Hebrew midwives (hierarchy). He gave them a command: destroy the newborn males (law). They disobeyed the command, but instead of being punished by Pharaoh (negative sanction), God blessed them (positive sanction). And the people multiplied (inheritance).

In response to this false Egyptian covenant, the sovereign God of Israel announced to Moses that He was with His people, for He had seen their afflictions and had heard their cries (Ex. 3:7). He then raised up Moses, his representative agent, to serve as the earthly leader of the nation (hierarchy). He gave Moses His laws (law). The people made an oath to God, which they broke, and God brought sanctions against them (oath/sanctions). They then repented, renewed the covenant, and built the tabernacle, which their sons later carried into the Promised Land, the lawful inheritance which had been promised to Abraham (inheritance/continuity).[3]

B. The Doctrine of Covenantal Representation

The conflict between Moses and Pharaoh was a representative battle between God and Satan. It was a battle over the question of ultimate

2. Chapter 6:D.

3. Critics of the five-point covenant model can and do continue to deny the appearance of this outline again and again in the Bible. I believe that this blindness testifies to the inability of those who cling to an old paradigm to understand the evidence of the new one. They, of course, will reply that those of us who see the covenant structure clearly in the text are reading our invention into the text. Time and the final judgment will tell whose view is correct.

sovereignty. It was a battle over lawful representation. It was also a battle over the right to impose sanctions and the right to collect the inheritance. But primarily Exodus is a battle over representation: Moses vs. Pharaoh. Who would represent Israel in the court of the gods or God of history, Moses or Pharaoh? Which representative agent would manifest true covenantal authority in the midst of time? The answer of the Book of Exodus is clear: Moses. The Book of Exodus is, above all, a book about representative government in history. It is clearly a book about *hierarchy*, which all government structures must always be.

Exodus 18 is the best biblical example of a civil hierarchy. Moses' father-in-law suggested that Moses establish a system of hierarchical appeals courts, in order to lessen the load on Moses, and also to reduce the time that people had to wait in their quest for civil justice.[4] Moses, a wise son-in-law, accepted his father-in-law's excellent advice, and he established just such an appeals court system. Having established a bottom-up appeals court system, Moses then came before the people to proclaim the law, the Ten Commandments. Immediately after the words of the tenth commandment, we read:

> And all the people saw the thunderings, and the lightnings, and the noise of the trumpet, and the mountain smoking: and when the people saw it, they removed, and stood afar off. And they said unto Moses, Speak thou with us, and we will hear: but let not God speak with us, lest we die (Ex. 20:18–19).

They clearly understood the doctrine of representation, and they affirmed it. More than this: they *insisted* on it. They did not want to come into the presence of a holy God. They wanted another person to go before God, to speak with Him, and to return to speak His word to them. They promised to hear, which in the context of affirming a covenant with God meant that they promised to obey. They would obey God by obeying Moses. They would obey the details of the law that Moses brought from God.

Then God announced case laws to Moses, His hierarchical (mediatorial) representative: "Now these are the judgments which thou shalt set before them" (Ex. 21:1). These laws began with the law governing Hebrew indentured servitude. The Hebrews broke these case laws repeatedly. They did not take these laws seriously. God therefore placed them in bondage repeatedly: to the Moabites, Midianites, Philistines,

4. Chapter 19.

Assyrians, Babylonians, Medo-Persians, Greeks, and finally the Romans. This punishment fit the crime. *The sanction against the crime of disobedience to God is bondage*. In the lake of fire (Rev. 20:14–15), the ultimate negative sanction, this bondage is personal, direct (unmediated), and eternal. The protective human and institutional hierarchy is removed. When this non-hierarchical form of judgment comes, unlike judgments in history (which are always mediated and hierarchical), no grace accompanies it. In short, *when God's grace is totally removed, all institutional hierarchies are removed*. The evidence of this lack of grace is the absence of any institutional hierarchy. *Without a mediator between God and man, covenant-breaking men inescapably die*. The Israelites fully understood this: "…let not God speak with us, lest we die."

C. The Doctrine of Covenantal Hierarchy

The case laws of Exodus reflect the position of Exodus as the second book in the Pentateuch. It corresponds to the second point of the biblical covenant: hierarchy. Thus, the bulk of the case law section deals with God's civil appeals court. The book is related to all five points in the covenant, especially point three (the actual laws) and point four (judgment and sanctions), but the legitimate question of civil law and civil sanctions cannot be separated from the question of the institutional structure of God's civil courts. This structure is hierarchical: a bottom-up appeals court.

The message of the Book of Exodus is *deliverance*: from slavery to freedom, from Egypt to Sinai, from work to rest, from Pharaoh's kingdom to God's kingdom. Ultimately, it is the story of Israel's deliverance from wrath to grace. It is not, however, the story of Israel's deliverance from institutional hierarchy. There can be no deliverance from hierarchy in history. Hierarchy is an inescapable concept. It is never a question of hierarchy vs. no hierarchy; it is always a question of which hierarchy.

The case laws reflect this fact of institutional hierarchy. They begin with the laws of bondservice: masters and servants.[5] They continue with laws governing fathers and daughters,[6] bridegrooms and concubines,[7] parents and sons,[8] kidnappers and victims,[9] fighters,[10]

5. Chapter 31:A.
6. Chapter 31:B.
7. Chapter 32.
8. Chapter 33.
9. Chapter 34.
10. Chapter 37.

fighters and bystanders,[11] restitution,[12] goring oxen and victims,[13] criminal negligence,[14] thieves and victims,[15] fire-starters and victims,[16] safekeepers and negligence,[17] seducers and seduced,[18] citizens and strangers,[19] creditors and debtors,[20] finders and keepers.[21] All of these relationships are hierarchical. They all involve authority and subordination. They all involve the imposition of power, and power is inevitably imposed hierarchically. A humanist slogan such as "man must take control of man" really means that some men must take control over all the others—C. S. Lewis' observation in *The Abolition of Man*.

D. Who Is Our God?

Rushdoony wrote that "in any culture *the source of the law is the god of that society*."[22] The source of biblical law is the God of the Bible. His moral character is revealed in His laws—*all* His laws, not just the Ten Commandments. Without biblical law at the center of a society's legal order,[23] its legal order testifies falsely regarding the true source of all morally valid laws, namely, the God of the Bible. It testifies falsely regarding God. A society is in rebellion against God to the extent that its people refuse to acknowledge in the civil realm the Bible-mandated terms of the civil covenant. There is a specific legal order which God requires the state to uphold by force and the threat of force. God is totally sovereign, as manifested by the presence of His required laws and sanctions. A society that denies the continuing judicial validity of Old Testament civil law in general thereby refuses to acknowledge that this world was, is, and ever shall be a theocracy. *God rules*. How does a nation testify in history to this fact? *God's rules*. To the extent that the legal order does not conform to the legal stan-

11. Chapter 38.
12. Chapter 39.
13. Chapter 40.
14. Chapter 41.
15. Chapter 43.
16. Chapter 44.
17. Chapter 45.
18. Chapter 46.
19. Chapter 47.
20. Chapter 48.
21. Chapter 51.
22. R. J. Rushdoony, *The Institutes of Biblical Law* (Nutley, New Jersey: Craig Press, 1973), p. 4.
23. At the center of Israel was the Ark of the Covenant. In the Ark was the law: the two tablets.

dard that God announces in His Bible, to that extent is a society in rebellion against God.

1. Biblical Law as God's Self-Revelation

This is denied by virtually all Christian denominations and congregations today. They deny that God reveals himself judicially to men in New Testament times as clearly as He did in the Old Testament. Christians should ask themselves: Why would God choose to reveal himself less clearly in the New Testament era by allowing every society except Puritan New England to adopt a law-order that is openly a renunciation of what He has revealed as judicially binding in the Old Testament? The theonomists have an answer to this intriguing question. *God allows this in order to reveal the visible failure in history of all rival law-orders compared to the visible success of His revealed law-order*. This necessarily implies that at some point in the future, there will be such a visible example. The visible failure of rival civil law-orders, meaning rival gods, can then become a worldwide tool of evangelism.

> Behold, I have taught you statutes and judgments, even as the LORD my God commanded me, that ye should do so in the land whither ye go to possess it. Keep therefore and do them; for this is your wisdom and your understanding in the sight of the nations, which shall hear all these statutes, and say, Surely this great nation is a wise and understanding people. For what nation is there so great, who hath God so nigh unto them, as the LORD our God is in all things that we call upon him for? And what nation is there so great, that hath statutes and judgments so righteous as all this law, which I set before you this day? (Deut. 4:5–8).[24]

Modern Christians do not take these words seriously. They believe that in this New Testament era of gospel deliverance, God has for some unstated reason removed this judicial tool of evangelism from the church's tool kit of legitimate missionary techniques. For some reason, in this New Testament "age of grace," God has removed a major Old Covenant means of grace, namely, the visible testimony of cultural success that a covenant-honoring society possesses. He supposedly has removed His positive visible sanctions from faithful covenant-keepers. Worse; God has supposedly reversed the Old Covenant order of visible sanctions. We are assured by premillennialists and amillennialists—but only when pressed very hard to explain their eschatological position—that *God in the "Church Age" rewards cove-*

24. Gary North, *Inheritance and Dominion: An Economic Commentary on Deuteronomy*, 2nd ed. (Dallas, Georgia: Point Five Press, [1999] 2012), ch. 8.

nant-breakers with the earthly blessing of civil authority, and He places the church and individual Christians under this authority. He does this as a witness to Himself. By placing His people under bondage to covenant-breakers, we are assured by pessimillennial theologians, God has not really reversed the exodus order of wrath to grace. It may look this way, of course. In fact, it *does* look this way. But looks are deceiving. Looks were not deceiving in the Old Covenant era (Deut. 4:4–8), but they are deceiving today. As to why this should be the case, no one wants to say for the public record.[25]

2. Biblical Law as a Means of Grace

There are many reasons for this peculiar view of God's shrinking supply of the tools of grace in history, but the main reason, I suspect, is this: *the people of God do not regard God's Bible-revealed law as a true means of grace, even though Paul affirmed the opposite*.

> What shall we say then? Is the law sin? God forbid. Nay, I had not known sin, but by the law: for I had not known lust, except the law had said, Thou shalt not covet. But sin, taking occasion by the commandment, wrought in me all manner of concupiscence. For without the law sin was dead. For I was alive without the law once: but when the commandment came, sin revived, and I died. And the commandment, which was ordained to life, I found to be unto death. For sin, taking occasion by the commandment, deceived me, and by it slew me. Wherefore the law is holy, and the commandment holy, and just, and good. Was then that which is good made death unto me? God forbid. But sin, that it might appear sin, working death in me by that which is good; that sin by the commandment might become exceeding sinful. For we know that the law is spiritual: but I am carnal, sold under sin (Rom. 7:7–14).

God has allowed this judicial evangelical testimony to fade time after time in the New Testament era because His people have so seldom maintained or enacted His revealed laws whenever they have gained political influence. This does not mean that He has abandoned His judicial standards, which are revealed in the Old Testament. It means that, so far in history, He has repeatedly allowed His people to depart

25. Except, of course, they *do* say, if pressed hard enough. Their answer is the supposedly legitimate and supposedly irresistible triumph of democracy in history. You know: *demos* (the people) and *kratos* (rule). This is not seen by non-theonomic Christians as the judicial substitution of a false god for the Bible's God. Somehow, the voice of the people has become the voice of God, the only legitimate mediatorial voice of God in the civil covenant. And when modern Christians say "the people," they mean a majority of voters, which at least so far has meant *covenant-breakers*. "The voice of covenant-breakers is the voice of God."

from His law, just as Israel did, only to find themselves as subordinates to their God-hating enemies. God does not renounce His sanctions in history; He continues to enforce them. God still delivers His people from sociological grace to wrath in direct response to their covenant-breaking acceptance of the civil laws of rival gods. He did this in the Old Testament, and He does it in the New. But so thorough has been the training of Christians in the accredited schools of their cultural conquerors that *God's people have very seldom regarded this deliverance from civil grace to wrath as God's specific negative sanction for their specific sin of denying the legitimacy of the biblical civil covenant*. This punishment fits the crime.[26] They do yet not cry out to God in their bondage in the democratic West. They regard their own judicial bondage as true political freedom, as if this bondage were both historically normal and historically normative.[27] Pagan taskmasters have done a far better job in educating modern Christians than the Babylonians did with the Hebrew youths (Dan. 1), and so have the ordained Christian collaborators who serve as the paid assistants of the taskmasters, collaborators whose name is legion.[28]

3. Christianity's Failure

Christianity's historical failure to extend the gospel "as the waters cover the sea" (Hab. 2:14) is in part caused by Christians' systematic and self-assured unwillingness to make effective use of a biblical tool of evangelism, namely, the self-conscious construction of a civil law-order that honors God's revealed civil law by imposing the biblically mandated civil sanctions. They have left the gospel message without a visible witness in civil institutions. Worse; church leaders and theologians have again and again denied that such an institutional testimony is legitimate in the New Testament era. It is legitimate in

26. In the late 1960s, I saw a lapel button: "Chastity is its own punishment." I would alter that button as follows: "Pluralism is its own punishment."

27. See, for example, Norman L. Geisler, "A Premillennial View of Law and Government," in J. I. Packer (ed.), *The Best in Theology* (Carol Stream, Illinois: Christianity Today/Word, 1986). Professor Geisler, then of Dallas Theological Seminary, later of Jerry Falwell's Liberty University, was a dispensationalist and a staunch defender of natural law theology. He received his Ph.D. in philosophy from a Jesuit university, back when Jesuit universities were scholastic rather than Marxist and "liberationist." At least he is consistent; few other opponents of theonomy are willing to admit that natural law is the only logical alternative to God's law on this side of total relativism or tyranny.

28. Gary North, *Political Polytheism: The Myth of Pluralism* (Tyler, Texas: Institute for Christian Economics, 1989), ch. 4. See also North, *Backward Christian Soldiers? An Action Manual for Christian Reconstruction* (Tyler, Texas: Institute for Christian Economics, 1984), Part II: "The Enemy."

church affairs, of course, they hasten to affirm; it is also legitimate with respect to the covenantal institution of the family. But God's Bible-revealed standards are not legitimate with respect to the civil government. So Christians have been told for well over a millennium.

The question of questions for Christian applied theology, ethics, and social theory is this one: Why should Christians accept as their long-term earthly goal the establishment of any system of civil law other than the one set forth in the Bible? In other words, why should Christians affirm *in principle* the acceptability of any law-order other than biblical law, in every area of life? Why should they enthusiastically choose second-best, third-best, or even a totalitarian civil order in preference to biblical law? Why is their last choice for civil judicial standards always God's Bible-revealed law? We could search for answers in psychology, sociology, education, and in any other academic specialties. I prefer to begin looking for the answer in the area of ethics: *Christians prefer irresponsibility*.

E. A Preference for Irresponsibility

In the Northern Kingdom from the days of Jeroboam's revolt, there were only two publicly acceptable operating religious systems: the worship of Jehovah by means of Baalist icons and practices (the golden calves: I Kings 12:28) and the worship of Baal by means of Baalist icons and practices (I Kings 18). Elijah challenged the representatives of the people of Israel to choose between Baal and Jehovah, but they answered not a word (I Kings 18:21). Even when they at last declared themselves in favor of God (I Kings 18:39), it was only as a result of God's display of greater supernatural but highly visible power, and their commitment did not last longer than Elijah's ability to repeat such displays on a regular, invariable basis. In their deepest apostasy, they became disciples of the power religion. They had returned to Egyptian spiritually.

The Northern Kingdom was worse in this regard than the Southern Kingdom was. Judah did have the temple. It had a ritually acceptable religion. It never adopted pure Baalism. God therefore delivered Israel into captivity to the Assyrians more than a century before He delivered Judah (and Assyria) to the Babylonians. Even so, He had graciously waited several centuries to deliver up Israel to her enemies. The Northern Kingdom's religious practices had been corrupt from the beginning, but there are degrees of corruption. For a time, God graciously delays bringing His negative sanctions in history. It

is not that He honors corruption; instead, He honors the absence of fully developed corruption. But corruption, like "incorruption," does not remain idle. Corruption either grows or contracts. Both corruption and righteousness are kingdom principles. It depends upon which kingdom we are discussing: God's or Satan's. Each kingdom seeks extension geographically, temporally, institutionally, and psychologically. Each serves as leaven.[29] Each recognizes that, in principle, there can be no neutrality. Each therefore recognizes that as time goes on, there will be less and less cooperation possible between covenant-keepers and covenant-breakers.

1. Progressive Ethical Self-Consciousness

Covenant-breakers generally recognize the nature of this ethical and institutional conflict much earlier than covenant-keepers do. They see what will happen when covenant-keepers at last become self-conscious in their commitment to God's Bible-revealed kingdom principles. Like the leaders of the Jews who understood that Jesus had prophesied that He would rise again in three days, and so put a stone and guards at the tomb (Matt. 27:62–66), so are the covenant-breakers in history. Similarly, like the disciples who did not understand what Jesus had said, and who therefore departed in despair, so Christians have been in their misunderstanding of Christ's comprehensive challenge to non-Christian society. They have not understood the comprehensive challenge of the gospel.[30] Nevertheless, a few disciples eventually returned to the tomb, only to find it empty. As time went on, a few more recognized that Jesus' words were true. The word of His resurrection spread among the called-out *ekklesia*. Then the war between the kingdoms began in earnest—earnest in the sense of serious, and also earnest in the sense of God's down payment in history of a future fulfillment. When Christians at last begin to see the comprehensive implications of Christ's ascension to heaven, the war will escalate. (This escalation has been going on since the ascension, but it has been a process marked by many historical discontinuities.)

Once a new phase of the war begins, both sides become increasingly consistent. This has been going on for centuries. The cultural

29. Gary North, *Unconditional Surrender: God's Program for Victory*, 5th ed. (Powder Springs, Georgia: American Vision, [1980] 2010), pp. 277–84, 287–89.

30. Gary North, *Is the World Running Down? Crisis in the Christian Worldview* (Tyler, Texas: Institute for Christian Economics, 1988), Appendix C: "Comprehensive Redemption: A Theology for Social Action."

advantage inevitably swings to the covenant-keepers *whenever they honor the external terms of God's covenant*. Their obedience brings visible, external blessings (Deut. 28:1–14), while the rebellious receive visible blessings more and more in terms of their public honoring of the kingdom principles announced by the covenant-keepers. If they refuse to adapt, covenant-breakers grow weak and eventually disappear in history. Those who survive become increasingly dependent on the good behavior and good works of covenant-keepers. This dependence tends to persuade them to reduce their per-secution of covenant-keepers. They hire them because covenant-keepers—*when the latter are adhering to the external terms of God's covenant*—are honest, effective workers. They buy from them for the same reason. Service leads to dominion.

2. External Standards, External Sanctions

The law of God is the primary tool of dominion that God offers to all men, irrespective of their personal faith. He gives the Holy Spirit to His people, but if His people refuse for a season to honor the terms of the covenant, while God-rejecting men willingly adopt the external terms of the covenant, then the latter will prosper externally. The best example of this process in recent history is the reversal of economic power between Japan and the United States after 1945. The Japanese, not being Protestants, nevertheless adopted the Protestant ethic of their American conquerors. The Americans, having become the richest people on earth by their adherence to this ethic, steadily abandoned it in the post-War era. They concluded incorrectly that the might of their hands had gotten them this wealth (Deut. 8:17).

Long-term, it requires that God grant special grace (regeneration) to large numbers of people in order for a society to adhere to the external terms of the covenant.[31] But in the short run, which can last several generations, the appropriate visible blessings of the covenant can go to those who are committed only externally to particular terms of the covenant. Japan, for example, was the first nation to adopt abortion as a national policy after World War II. In 1988, there were three abortions for every live birth in Japan.[32] This reduced the supply of future workers. In 2010, Japan was the most rapidly aging population in the West, and was facing a politically inescapable long-run crisis of

31. Gary North, *Dominion and Common Grace: The Biblical Basis of Progress* (Tyler, Texas: Institute for Christian Economics, 1987), ch. 6.

32. *Christianity Today* (Dec. 9, 1988), p. 60.

a national government budget that will not be able to afford to pay retired people their promised pension fund benefits.[33] Why should the Japanese be uniquely blessed? It is a case of comparative obedience: the Soviet Union and the Chinese also began to promote abortions as national policy; the United States also accepted abortion's legality in 1973, and its intellectual leaders are overwhelmingly pro-abortion. So, God looks at other aspects of the covenant, those related to the economics of dominion: honesty, hard work, precise work, rigorous education, thrift, future-orientation, etc. In these areas, the Japanese excel. They therefore receive the lion's share of the external blessings. If they refuse to convert to faith in Jesus Christ, however, the Japanese will eventually find it impossible to adhere as a nation to the external terms of the covenant. God's negative sanctions will come.

The modern church has abandoned faith in the covenantal cause-and-effect relationship between national external conformity to God's law and His external blessings. The church therefore does not believe in God's sanctions in history. In Old Testament times, yes, but not in New Testament times. *The church today implicitly believes that God gave a clearer revelation of His ethical standards before Jesus Christ came to redeem the world*. Christians implicitly assert with amillennialist Cornelius Van Til that God's system of visible sanctions in Old Covenant history was a mark of His condescension to His people in an earlier era.[34] In short, they conclude that Christians and non-Christians do not need visible manifestations of the ethical character of God, so He has removed this revelation of Himself by removing His historical sanctions. Covenant-breakers understandably rejoice at this thought, for this hypothetical removal of God's sanctions in history supposedly leaves Satan's sanctions intact: compound cursings in history for the righteous and compound blessings in history for the unrighteous. Unfortunately, Van Til did not believe that this removal is hypothetical.[35] Neither do non-theonomic pessimillennialists generally. Van Til

33. "Future Shock: Japan faces demographic nightmare, *International Business Times* (July 21, 2010).

34. He wrote: "In the New Testament God expects his people to live more fully into the absolute future than in the Old Testament. He expects of them that they will be able to sustain the unevenness of the present revelation to the day of their death, since they have a clearer revelation of the new heavens and the new earth. In the Old Testament, on the contrary, God condescends to give an external manifestation of the principle that righteousness, holiness and blessedness belong together." Cornelius Van Til, *Christian Theistic Ethics*, vol. III of *In Defense of Biblical Christianity* (Phillipsburg, New Jersey: Presbyterian & Reformed, 1980), p. 104.

35. For a critique of this view, see North, *Political Polytheism*, ch. 3.

never recognized that *God's covenantal sanctions in history remain in force today*. Because God's servants so far have chosen not to impose His civil sanctions in New Testament history, Satan's servants have imposed his.

3. Ethics and Eschatology

History is not visibly neutral in any eschatological system that is based on the Bible: *either the gospel message is blessed progressively over the ages or else humanism is*. The Bible is not a dualistic document. It does not teach of an endless conflict between good and evil, between God and Satan. This conflict is bounded by time. It will end at the final judgment. This is why neither ethical dualism nor some version of manichaeanism can be successfully defended by means of an appeal to the Bible. The two positions are inevitably connected: eschatology and ethics. The Bible denies both eschatological manichaeanism and ethical dualism.

The debate within Christendom over eschatology and ethics has arisen because the majority of those who have ever called themselves Christians have accepted the assertion by the humanists—whether Greek, Newtonian, or Kantian—that there is an inherent ethical dualism in history. There is supposedly no progressive triumph of God's kingdom law over Satan's kingdom law. They have accepted the presupposition that there is a universal system of ethics that is independent of God's revelation of Himself in the Bible, and that it is this universal ethical system which God enforces by means of His sanctions in history. Thus, God's historical sanctions are supposedly not linked closely to the progressive improvements in the church's creeds and its improving methods of evangelism throughout history. History therefore is not a visible "earnest" (Eph. 1:14) or down payment on the eschatological triumph of God over Satan in eternity. History, the Greek-influenced church has affirmed, is not a tale told by an idiot, signifying nothing; it just looks like it. Or, to cite Meredith Kline: "And meanwhile it [the common grace order] must run its course within the uncertainties of the mutually conditioning principles of common grace and common curse, prosperity and adversity being experienced in a manner largely unpredictable because of the inscrutable sovereignty of the divine will that dispenses them in mysterious ways."[36]

36. Meredith G. Kline, "Comments on an Old-New Error," *Westminster Theological Journal*, XLI (Fall 1978), p. 184.

F. Case Laws and Kingdom

Rarely in the history of the church have leaders or laymen taken the Old Testament case laws seriously. (Rarely also have they taken seriously the idea of "Thy kingdom come. Thy will be done in earth, as it is in heaven." Fully consistent dispensationalists refuse to pray this "Jewish kingdom" prayer in this, the "Church Age.") Christians have assumed that Jesus' earthly ministry, or at least Paul's, did away entirely with the case laws. Nevertheless, when pressed to defend some traditional practice of any particular denomination, the groups' in-house theologians usually turn to the Old Testament in search of a legal precedent. This is an aspect of what Rushdoony called *smorgasbord religion*: selectively picking what you like out of a large selection of rules and doctrines. The best example of such selective New Testament shopping is the strict sabbatarian's appeal to every verse in the Old Testament regarding keeping holy the sabbath except one, Exodus 35:2: "Six days shall work be done, but on the seventh day there shall be to you an holy day, a sabbath of rest to the LORD: whosoever doeth work therein shall be put to death." When it comes to announcing the legitimate imposition of this most rigorous of Old Testament civil sanctions, capital punishment, the church flees in holy terror.

A biblically required sanction clearly identifies God's attitude toward a particular infraction. The severity of the sanction tells us just how important the infraction is in the overall operation of the kingdom of God. Without sanctions, there can be no civil law, and without civil law there can be no civilization, meaning no identifiable kingdom. But there is always some form of civilization. There are no historical vacuums. Thus, we ought to conclude that God has His required sanctions, while self-proclaimed autonomous man has his. God has revealed His required sanctions in His law; man has revealed his required sanctions in his legislation. For as long as there are infractions of a judicial standard, there will be sanctions. The question is: Whose? Whose standards and whose sanctions?

The church has not wanted to face the stark contrast between the two kingdoms. It has wanted to find some rationally acceptable position between theocracy and tyranny and also between theocracy and anarchy. Christian scholars have asserted the existence of neutral, "natural" laws that can serve as the church's earthly hope of the ages, an agreeable middle way that will mitigate the conflict in history between the Kingdom of God and the kingdom of man. The victor

in such a naive quest will always be the kingdom of man. *Theoretical neutrality means practical autonomy*: men do not have to consider what God requires or threatens in history.

God brings His sanctions in history, both positive and negative. He can do this either through His people, who act representatively as His agents, or through pagan armies or seemingly impersonal environmental forces. He can choose war, pestilence, or famine. He can even choose "all of the above." But He does bring His sanctions in history. There is no escape from these historical sanctions, any more than there is an escape from His eternal sanctions. The former point to the latter. This is one of the primary functions of historical sanctions: as a witness to the holiness of God.

God's historical sanctions serve as public evidence of His theocratic sovereignty over the creation. This is why Christians who rebel at the idea of theocracy also are tempted to rebel against the idea of God's temporal sanctions.[37] The idea of the national covenant repels them, for such a covenant testifies to the existence of a Christian civil hierarchy, Christian civil laws, Christian civil sanctions, and Christian civil conquest in history by means of God's sanctions of blessings and cursings. Thus we find a trio of Christian historians, safe and tenured in their humanist-accredited colleges and universities, who insist on placing the word *Christian* in quotation marks when they speak of America's "Christian" origins or "Christian" cultures in general.[38] They reject the use of this adjective in describing America.

G. God as Cosmic Torturer

This is a grim concept, one which I have deliberately chosen as a means of shocking Christians and non-Christians alike into recognizing the key offense of the Bible: the assertion that God will torture His enemies without mercy forever if they do not submit to Him covenantally in history. It is the doctrine of God as the cosmic Judge which above all repels the covenant-breaker. Even Christians are today hesitant to say in public that the lake of fire is not a cosmic rehabilitation scheme. God is a cosmic torturer, but to say so in public or

37. They will also prefer to downplay or even deny God's eternal negative sanctions. Twenty-first-century evangelism is notable for its reluctance to discuss hell and the lake of fire. "Fire and brimstone preaching" is mostly a figment of liberal imaginations in this century.

38. Mark A. Noll, Nathan O. Hatch, and George M. Marsden, *The Search for Christian America* (Westchester, Illinois: Crossway, 1983), p. 28. For a refutation, see North, *Political Polytheism*, ch. 5.

in print is regarded by Christians as a *faux pas* of the highest order. This testifies against them, not God.

It is because history is an earnest on eternity—simultaneously a promise and a warning—that Christians are required by God to affirm the biblical legitimacy of civil sanctions imposed by the state in the name of God, and therefore a state governed in its severity by His revealed law. The covenantally faithful state, as a hierarchical institution, is supposed to be limited by God's law in order for it lawfully to execute God's judgments. In order to establish a Christian culture, there have to be identifiably Christian laws—biblical blueprints, in other words—by which the national covenant could be judged by God and other nations. Only one idea is more repugnant to modern Christian intellectuals than the idea of judicially binding biblical civil blueprints.[39] That idea is the doctrine of an inescapably predestined eternity of personal negative sanctions that will be imposed on everyone God hates. These two hated ideas are linked judicially: *sanctions*. Men do not like to be reminded by Paul that "the scripture saith unto Pharaoh, Even for this same purpose have I raised thee up, that I might shew my power in thee, and that my name might be declared throughout all the earth. Therefore hath he mercy on whom he will have mercy, and whom he will he hardeneth" (Rom. 9:17–18). If God did this with Pharaoh, He can do it to anyone. *This means sanctions*.

The comparatively gentle negative civil sanctions of the Old Testament—whipping, restitution, slavery, banishment, and public execution—are light taps on the wrist when compared to an eternity of screaming agony in the lake of fire. Civil sanctions are limited by time; eternity is forever. Men easily understand this distinction. Thus, in order to banish from their consciousness the thought of eternal torture at the hand of an outraged, implacable, non-rehabilitating God, they feel compelled to banish also the idea that God has established

39. That no such blueprints exist in the field of economics was the assertion of all three of the other authors in the book, *Wealth and Poverty: Four Christian Views*, ed. Robert G. Clouse (Downers Grove, Illinois: InterVarsity Press, 1984). The fourth view—the explicitly, self-consciously, blueprint-insistent Christian one—was mine. I, of course, challenged all three of the others, calling attention to their self-conscious rejection of any explicitly biblical standards in economic analysis. Not surprisingly, in less than a year, with the book selling well and our royalties adequate, the neo-evangelical liberals who run InterVarsity pulled the book off the market and sold my company the remaining 6,000 copies at 25 cents per copy, just to wash their hands of the whole project. That was when I knew who had won the debate. Liberals would never be so crass as to burn conservative books; they simply refuse to publish them or, once the mistake has been made, they dump them.

civil covenants in history that authorize and require His lawful civil representatives to apply the Old Testament's minimal negative sanctions. Instead, they have implicitly adopted two other doctrines, the doctrine of autonomous man and the concomitant doctrine, the autonomous state.

The state becomes the sole agency authorized by autonomous man to impose compulsory sanctions. The only alternative to this view is the doctrine of zero civil government, meaning zero compulsory sanctions, a consistent but seldom articulated viewpoint. This outlook is utopian, for it ignores the obvious: a gang-warlord society always develops. Gangs are private armies that bear all the marks of civil governments: hierarchy, law, physical sanctions, and rites of succession. So, in order to assert his autonomy from God, the covenant-breaker always places himself under the authority of a self-proclaimed autonomous state. He prefers to believe that the state's sanctions are final. The state's sanctions must be seen as alternatives to God's final judgment, not evidence for it. He must assert this if God's final sanctions are to be denied effectively. In order to make such an assumption believable, the state must be given power to impose sanctions far worse than those authorized by the Old Testament.

You cannot beat something with nothing. A Christian who is unwilling to affirm publicly the inescapability of God's eternal negative covenant sanctions is also unlikely to insist on the *temporal* reality of God's negative covenant sanctions, for such temporal sanctions are an earnest—down payment—on His final sanctions. Such sanctions-denying Christians eventually find themselves under the civil (and also intellectual) authority of covenant-breakers who also deny the continuing validity of biblical law, meaning Old Testament sanctions. *You cannot beat something with something less*. Those who assert their defiance of covenant law the most insistently are covenant-breakers who affirm the autonomy of man, or who at least deny the existence of the God of the Bible. Thus, in their quest to avoid thinking about God's eternal torture chamber beyond the grave, Christians have willingly submitted *in principle* to temporal rule by those covenant-breakers who deny the lake of fire with the greatest self-confidence.

On the other hand, those Christians who in history were most willing to affirm God's predestinated, inescapable, eternal sanctions were also the only ones ready to insist on the covenantal necessity of legislating the most feared of God's negative sanctions, public execution, for every crime identified as a capital crime in the Old Testa-

ment. I am speaking of the Puritans, who did exactly this when they were given the legal authority in history to do so, in New England: the Massachusetts Body of Liberties (1641). The Puritans understood that civil liberty begins with the civil government's enforcement of God's required sanctions.

H. Sanctions and Civilization

Kingdom means civilization. It means either the lawful or unlawful exercise of authority in history. In short, kingdom means sanctions. God's kingdom can operate with minimal sanctions in history, meaning a minimal state, only because it is authorized by God and accepted covenantally by people who believe in God's horrifying negative sanctions beyond the grave. The widespread belief in hell and the lake of fire is one of the foundations of Western liberty. It made less necessary for social order men's faith in a state that possesses imitation final sanctions.

The case laws provide an alternative to the messianic state, because they provide sanctions that match the magnitude of the crime. The basic penalty for crimes against property and body is some form of restitution. Crimes against the integrity of God are capital crimes: those convicted of such infractions are delivered into God's court for His direct judgment. As history moves closer to the day of final judgment, society will progressively be conformed to these standards. Democratically, meaning a bottom-up movement of the Holy Spirit, voters will enact the whole law-order of God. Thus, what the Puritans attempted to do in England was wrong because it was a top-down imposition of God's law. What the New England Puritans attempted to do was valid; there was general agreement about biblical civil law. But immigration and defections within Puritanism after 1660 changed the circumstances.

The critics of theocracy always assume that it has to be anti-democratic. But if the Spirit of God moves a vast majority of men to confess Jesus Christ as Lord and Savior, and if they return to the Old Testament in search of biblical blueprints, then the resulting theocratic republic will be legitimate in terms of democratic standards, assuming that such standards refer simply and exclusively to techniques of campaigning and voting.[40]

40. Modern democratic theory is far more than a theory of legitimate electoral techniques. It has the character of being a rival religion. Cf. Charles Fergusson, *The Religion of Democracy* (New York: Funk & Wagnalls, 1900).

When that theocratic majority appears, you can bet your life that the humanists will then try to subvert it by means of an elitist conspiracy. We read about such a revolt against Moses and Aaron in Numbers 16. It was done in the name of the People: "And they gathered themselves together against Moses and against Aaron, and said unto them, Ye take too much upon you, seeing all the congregation are holy, every one of them, and the LORD is among them: wherefore then lift ye up yourselves above the congregation of the LORD?" (v. 3). We read about the final such attempt in Revelation 20:8–9, at the very end of history. These voices of the People are in favor of democracy for only so long as they can control a majority of voters by means of a hierarchical elite that pretends to listen to the People—an elite far more subtle than the Communists' one-party dictatorship in the name of the people.

A sovereign agent always acts through spokesmen in a hierarchy. There will always be an elite: intellectual, educational, military, and so forth. The question is never elite or no elite. It is always a question of which elite. It is a question of which sovereign agent. The Bible is clear: God is completely, absolutely sovereign over the creation, and men are subordinately, inescapably responsible for their actions. Thus, the goal of covenant-keepers is to work toward a social order in which every institution reflects this dual sovereignty, absolute and delegated. It is the creation of an entire world order that prays, "Thy kingdom come. Thy will be done in earth, as it is in heaven" (Matt. 6:10).

A subset of this broad social goal is politics. Politically, the only legitimate long-term biblical goal is the creation of a worldwide theocratic republic.[41] It is the creation of a bottom-up political order whose civil courts enforce the law of God, and whose people rejoice, not because such a law-order is natural but because it is supernatural.

I. The Restoration of Biblical Covenantal Order

The primary social function of civil law is to persuade God to withdraw His negative sanctions. The state acts as God's agent in imposing sanctions against sin. This is the biblical rationale of civil laws against so-called victimless crimes. Obviously, this purpose relates to the hierarchical nature of all society: the society is under God, meaning under His temporal sanctions.

41. Gary DeMar, *Ruler of the Nations: Biblical Blueprints for Government* (Ft. Worth, Texas: Dominion Press, 1987); Gary North, *Healer of the Nations: Biblical Blueprints for International Relations* (Ft. Worth, Texas: Dominion Press, 1987).

There is also a secondary goal of civil law: the restoration of social order among men. This, too, is hierarchical. If a person owns a piece of property, then he exercises dominion over it in terms of his subordination to God. He acts as God's agent in a hierarchical system of ownership, which Christians call *stewardship*. When a criminal or negligent person invades this hierarchical system of ownership, God calls the civil magistrate to defend His interests, and therefore also His steward's interests. The system of justice in the Bible is geared to restoration of the original God-assigned hierarchical order.

The issues of crime and punishment are inescapably questions of the appropriate hierarchy. The victim has been victimized by someone who has asserted a judicially illegitimate authority over him. The criminal in some way invaded the victim's legitimate, God-given sphere of personal responsibility. The criminal subordinated the victim's goals and property to his own. He intervened in the hierarchy and placed himself between God and the lawful subordinate. He implicitly declared that God's assignment of property and lawful authority was illegitimate. In short, the criminal decided to play God.

This illegitimate assertion of covenantal authority must be punished by the state, which is required by God to act as His representative. The *status quo ante* must be re-established. The way that biblical civil law achieves this goal is to establish a system of *economic restitution*. The criminal pays double restitution or even more to the victim, depending on what biblical law has established as the maximum payment, and also in terms of *victim's rights*: the victim can lawfully reduce the payment. Multiple restitution marks criminal law in the Bible. The negligent caretaker or injurer pays only like-for-like restitution to the victim, what might be called civil law.

The modern messianic state has imitated the criminal. It, too, has disrupted the social hierarchy. It has placed itself between God and the criminal, as if God's sanctions were not binding. It has declared different sanctions. The state has attempted to become a healer of society and ultimately its savior, not by restoring the previous hierarchy and social order but rather by transforming the individual criminal through techniques of rehabilitation. The modern state has generally ignored the victim and his rights in its selection of appropriate sanctions. It has sought to play God as a savior of men. It has substituted a different set of sanctions from those required in the Bible. In doing this, it has received the tacit acquiescence of Christians, and even their public approval, for they self-consciously deny the legitimacy of

God's Bible-revealed sanctions in civil government. They have therefore implicitly and even explicitly denied the judicial foundation of Christian civilization. In short:

> **No sanctions, no laws; no laws, no social order; no social order, no civilization; no civilization, no kingdom of God in church history.**

Final Comment

Having burdened the reader with an enormous amount of detailed biblical exegesis and specific applications based on it, it seems appropriate to end this book on a lighter note. It appears that a bank in Canada has intuitively grasped the logic of the biblical concept of restitution, much to the consternation of one malefactor, Mr. Brian McNeilly. The case of Mr. McNeilly was summarized in the *Wall Street Journal* (Dec. 21, 1988), page B1, in the lower left-hand corner. This space is reserved daily for humorous economic oddities. I reprint it here without comment or alteration.

> **He Shouldn't Complain—**
> **At Least They Didn't Charge Him Interest**
>
> *By John Urquhart, Staff Reporter*
>
> OTTAWA—Brian McNeilly wants it known that when he holds up a bank, he is stealing money, not borrowing it.
>
> Mr. McNeilly has had a problem getting this point across to the Canadian Imperial Bank of Commerce. Last month, he pleaded guilty to robbing a branch of that bank, as well as to nine other heists in the Ottawa area. Following the trial, Commerce decided to treat him like just another delinquent borrower. It deducted 1,500 Canadian dollars (US$1,246) from a savings account he had with the bank to make up for the like sum he'd stolen.
>
> *'I Won't Stand for It'*
>
> Commerce recovered its funds under a banking law known as "the right of offset," which allows banks to deduct money from accounts when the account holders have fallen behind on loan payments. This may be the first time it has been used to recover funds from a robber, bankers say.
>
> Although he couldn't be reached for comment, Mr. McNeilly was recently interviewed on a radio show here and said he is consulting with his lawyer to see if the bank acted legally. "I don't feel the bank has the right to do that," he said. "I won't stand for it." The money in his Commerce savings account, he added, came from an inheritance, not from the robberies. Mr. McNeilly also noted that the court didn't order him to pay back the C$23,000 he had stolen from the banks. Instead, he was sentenced to six

years in jail. So, if the bank had the right to take his funds, he said, "I want some time off my sentence."

The Commerce bank claims that a debt is a debt whether Mr. McNeilly borrowed the money or stole it. "It is just like recovering money owed on an overdue demand loan," says Dan Maceluch, a bank spokesman, who adds that just because Mr. McNeilly was sentenced to jail doesn't mean the debt was forgiven.

Account Closed

Mr. McNeilly has taken steps to ensure that the bank can't relieve him of any more money. He has had his girlfriend close his account at the branch where he banked for six years and where he still has a loan on the books. (According to Mr. McNeilly, the loan is in good standing.)

In the radio interview, Mr. McNeilly also said that since arriving in jail, other bank robbers have told him that they've never heard of banks dipping into robbers' accounts. Ottawa Police Inspector Steve Nadori isn't surprised. "Most bank robbers don't have bank accounts," he says.